



- June 30, 2013 Quarterly Report

Summary

This is the quarterly report to the Legal and Claims Committee on the exercise of powers delegated to the General Manager and the General Counsel by Administrative Code Sections 6431, 6433 and 6434. In addition, the General Counsel reports to the Legal and Claims Committee on the exercise of power delegated to her by Section 6431.

Attachments

ATTACHMENT A:	Workers' Compensation Matters Resolved During the Period April 1, 2013 - June 30, 2013.
ATTACHMENT B:	Claims Against Metropolitan During the Period April 1, 2013 - June 30, 2013.
ATTACHMENT C:	Costs Collected During the Period April 1, 2013 - June 30, 2013.
ATTACHMENT D:	Property Damage Written Off as Uncollectible During the Period April 1, 2013 - June 30, 2013. None.
ATTACHMENT E:	Accounts Receivable Written Off as Uncollectible During the Period April 1, 2013 - June 30, 2013. None.

Detailed Report

Contracts

Within this past quarter, the General Counsel entered into or amended the following contracts pursuant to her authority under Administrative Code Section 6431:

Atkinson, Andelson, Loya, Ruud & Romo

Metropolitan retained Special Counsel to provide legal representation, advice and consultation in the litigation entitled, *Terri Deskins v. Metropolitan Water District of Southern California, A Government Entity, and Does 1-50, Inclusive*, Los Angeles Superior Court Case No. BC506776.

Atkinson, Andelson, Loya, Ruud & Romo

Metropolitan retained Special Counsel to provide legal representation, advice and consultation in the litigation entitled, *John Del Toro v. Metropolitan Water District of Southern California, A Government Entity, and Does 1-50, Inclusive*, Los Angeles Superior Court Case No. BC482264.

Atkinson, Andelson, Loya, Ruud & Romo

This agreement was amended this quarter to reflect an increase in the maximum amount payable.

Best, Best & Krieger, LLP

This agreement was amended this quarter to reflect a change in agreement administrator and amendments to contract language regarding Conflicts of Interest and Gift Restrictions, Fee Schedule modifications, Equal Employment Opportunity, Affirmative Action and Notification of Employee Rights under NLRA.

Board Report (June 30, 2013 Quarterly Report)

Dr. Paulinus Chigbu

Metropolitan retained this Consultant to provide expert services on longfin smelt. This agreement was also amended this quarter to reflect an increase in the maximum amount payable.

Criterion Consulting Group, Inc.

Metropolitan retained this consultant to provide technical assistance and litigation support to Metropolitan in the matter of *Oscar Renda Contracting, Inc. v. Metropolitan Water District of Southern California*, Riverside County Superior Court Case No. RIC 1213525.

Duranceau Consulting Services, Inc.

This agreement was amended this quarter to amend the Scope of Work.

Hanson Bridgett, LLP

This agreement was amended this quarter to reflect an increase in the maximum amount payable.

HDR Engineering, Inc.

This agreement was amended this quarter to amend the Scope of Work.

Horvitz & Levy, LLP

Metropolitan retained Special Counsel to provide legal services for the representation of Metropolitan and Jeffrey Kightlinger in responding to plaintiffs' appeal in the *Foli, et al. v. Metropolitan Water District of Southern California, et al.* case filed in the Ninth Circuit Court of Appeals, Docket No. 13-55302, on appeal from the United States District Court for the Southern District of California, Case No. 3:11-cv-01765.

Kars' Advanced Materials, Inc.

This agreement was amended this quarter to amend the Scope of Work.

Lachel & Associates, Inc.

Metropolitan retained this consultant to provide technical assistance and litigation support to Metropolitan in the matter of *Oscar Renda Contracting, Inc. v. Metropolitan Water District of Southern California*, Riverside County Superior Court Case No. RIC 1213525.

Liebert Cassidy Whitmore

Metropolitan retained Special Counsel to provide legal advice and representation in the matter entitled, *Association of Confidential Employees v. Metropolitan Water District of Southern California, Public Employment Relations Board*, Unfair Practice Charge No. LA-CE-849-M.

Liebert Cassidy Whitmore

Metropolitan retained Consultant to assist the Legal Department in conducting an independent investigation concerning the allegations of retaliation in violation of FEHA in the matter entitled, *Terri Deskins v. Metropolitan Water District of Southern California, A Government Entity, and Does 1-50, Inclusive*, Los Angeles Superior Court Case No. BC506776.

On The Flop, LLC dba Casey, O'Malley Associates, LLC

This agreement was amended this quarter to amend the Scope of Work.

Pennie L. Feehan Consulting

This agreement was amended this quarter to amend the Scope of Work.

Board Report (June 30, 2013 Quarterly Report)

Public Interest Investigations, Inc.

Metropolitan retained Consultant to investigate and provide recommendations on charges of discrimination filed by employee with the Department of Fair Employment and Housing.

Raffelis Financial Consultants, Inc.

This agreement was amended this quarter to reflect amendments to contract language regarding Explanatory Recitals, Scope of Work, Key Personnel and Fee Schedule modifications.

Ryan & Associates

This agreement was amended this quarter to reflect a change in agreement administrator and an increase in the maximum amount payable.

URS Corporation dba URS Corporation Americas

This agreement was amended this quarter to reflect a change in agreement administrator and amendments to contract language regarding Subconsultants, Equal Employment Opportunity, Affirmative Action and Notification of Employee Rights under NLRA.

Claims

1. Between April 1, 2013 - June 30, 2013, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims:
 - a. Litigated Claims By and Against Third Parties
Metropolitan entered into a settlement agreement with CAL-OSHA regarding several citations issued after an inspection of the Joseph Jensen Filtration plant. MWD appealed citations resulting in CAL-OSHA withdrawing one citation, substituting a Notice in lieu of another citation, reclassifying a serious citation as General and decreasing the penalty amount and, reducing penalty amount for the other serious citation. Settlement agreement included a standard non admissions clause. MWD agreed to waive its costs and withdraw its appeal.
 - b. Workers' Compensation Matters
Workers' compensation claims settled by the General Manager and the General Counsel within this past quarter are reported in Attachment A.
 - c. Other Claims By and Against Third Parties
Non-litigated third party claims settled by the General Manager and the General Counsel within this past quarter are reported in Attachment B.
 - d. SB 90 Claims
No SB 90 claims for reimbursement for state-mandated costs were reported within this past quarter.
 - e. Separation Agreements
Metropolitan did not enter into any separation agreements within this past quarter.
2. Costs collected for claims within this past quarter are reported on Attachment C.
3. Property Damage Claims declared as uncollectible by the General Manager within this past quarter are reported in Attachment D.
4. No Accounts receivables were written off as uncollectible by the General Manager within this past quarter.

ATTACHMENT A
 Workers' Compensation Matters Resolved During the Period
April 1, 2013 - June 30, 2013

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Administrative Secretary II	2007-1005-0232	7/30/07	\$23,401.25	Low back, left knee	Stipulated settlement based on treating physician's report
Team Manager IV	2012-1019-0210	10/11/12 CT	\$0	Hearing loss	Stipulated settlement (providing future medical treatment only) based on consulting physician's report
O&M Technician IV	2012-0808-0065	8/7/12	\$6,420.28	Right elbow, arm	Stipulated settlement based on treating physician's report
O&M Technician IV	2009-0706-0005	6/15/09	\$61,170.14	Back, left & right wrists	Stipulated settlement based on treating physician's report

ATTACHMENT B
 Non-Litigated Third Party Claims Against Metropolitan Resolved During the Period
April 1, 2013 – June 30, 2013

Claimant	Control No. CW No.	Amount of Settlement	Incident Description	Basis for Resolution
Greg Gonick	2012-0917-0144 CW 1764914	\$15,290.04	On 9/13/12, a District vehicle rear-ended a third party vehicle	The third party property damage claim was settled based upon an evaluation of damages and the repair estimate
Jeff Sellers	2012-0322-0475 CW 1733773	\$4,575.00	On 3/21/12, a District vehicle struck the side of a third party vehicle	A judgment was entered to pay the third party property damage and a reduced portion of the bodily injury claim

ATTACHMENT C
 Costs Collected During the Period
April 1, 2013 - June 30, 2013

Third Party or Cause	Control No. CW No.	Damage Amount	Incident Description	Basis for Costs Collected
John Canning	2010-0707-0017 CW 1532641	\$1,585.00	On 7/7/10, a third party driver struck and damaged a District fence.	The property damage claim was paid in full by third party insurance carrier
Louise Houdy Shell	2012-0709-0008 CW 1759056	\$7,178.16	On 7/3/12, a third party driver rear-ended District vehicle	MWD negotiated to recover \$7,178.16 and wrote off the uncollected portion in the amount of \$460.93