



● September 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.

Purpose

Administrative Code Sections 6431, 6433 and 6434; Legal and Claims Committee November 19, 2013.

Attachments

ATTACHMENT A:	Workers' Compensation Matters Resolved During the Period July 1, 2013 - September 30, 2013.
ATTACHMENT B:	Claims Against Metropolitan During the Period July 1, 2013 - September 30, 2013.
ATTACHMENT C:	Costs Collected During the Period July 1, 2013 - September 30, 2013.
ATTACHMENT D:	Property Damage Written Off as Uncollectible During the Period July 1, 2013 - September 30, 2013.
ATTACHMENT E:	Accounts Receivable Written Off as Uncollectible During the Period July 1, 2013 - September 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:

Archibald Consulting

Metropolitan retained this consultant to provide water quality expertise on an as-needed basis with respect to the Bay Delta Conservation Plan environmental planning documents.

Best, Best & Krieger, LLP

Metropolitan retained Special Counsel to provide legal counsel regarding potential water rights issues associated with the permitting and implementation of the Lower Yolo Restoration Project.

Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP

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

Brian G. Thomas

Metropolitan retained this consultant to assist in preparation for trial and provide evidence and testimony in the litigation brought by the San Diego County Water Authority.

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Cox, Castle & Nicholson, LLP

Metropolitan retained Special Counsel to provide legal research, counseling and advice on California Environmental Quality Act issues related to the proposed extension and amendment of Metropolitan's long-term contract with the Department of Water Resources for water supply from the State Water Project.

Greines, Martin, Stein & Richland, LLP

Metropolitan retained Special Counsel to provide appellate services, including, without limitation preparation and prosecution of an alternative writ to be taken in the following cases: *Caito v. Metropolitan Water District*, Orange County Superior Court Case No. 30-2013-00666636; *Eckert v. Metropolitan Water District*, Orange County Superior Court Case No. 30-2013-00666627; *Williams v. Irvine Ranch Water District*, Orange County Superior Court Case No. 30-2012-00616648.

Hanson Bridgett, LLP

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

Harkins Cunningham, LLP

Metropolitan retained Special Counsel to provide assistance and legal advice related to litigation with the San Diego County Water Authority over breach of the Exchange Agreement.

Trussell Technologies, Inc.

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

Raftelis 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.

Weidlinger Associates, Inc.

Metropolitan retained Consultant to provide peer review of structural integrity and beam design and construction in Union Station Headquarters Building and its ability to withstand seismic events.

Claims

1. Between July 1, 2013 - September 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 resolving a lawsuit resulting from an auto accident for which the Metropolitan driver admitted liability while using a District vehicle. Metropolitan disputed the claimed severity of the accident and the damages claimed by the four plaintiffs. As a result of a mediation that occurred on July 31, 2013, a settlement was negotiated, which resulted in a dismissal of the lawsuit in exchange for a payment to plaintiffs of \$89,500 (Los Angeles County Superior Court Case No. BC47974).

Metropolitan entered into a settlement resolving a lawsuit by a former employee who alleged retaliation and defamation against Metropolitan. Metropolitan denied the allegations and asserted that no substantial evidence supported the allegations. As a result of a mediation that occurred on September 4, 2013, a settlement was negotiated, which resulted in a dismissal of the lawsuit in exchange for a payment to plaintiff of \$125,000 (Los Angeles County Superior Court Case No. BC482264).

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Metropolitan entered into a settlement of several citations issued by Cal-OSHA in June 2012 regarding Metropolitan's Chemical Unloading Facility. After Metropolitan appealed the citations and the parties participated in an informal settlement conference, Cal-OSHA agreed to withdraw two of the citations, and for the third citation, Cal-OSHA agreed to reduce the classification from General to Regulatory and to decrease the penalty amount from \$450 to \$110. The settlement agreement includes a standard non admissions clause. In exchange, Metropolitan agreed to waive its costs and to withdraw its appeal.

Metropolitan also entered into a settlement of three citations which Cal-OSHA issued to Metropolitan dba Robert A. Skinner in September 2012. After Metropolitan appealed the citations and the parties participated in an informal settlement conference, Cal-OSHA agreed to withdraw two of the citations. With regard to the third citation, Cal-OSHA agreed to reduce the classification from Serious to General and to decrease the penalty amount from \$6,750 to \$750. The settlement agreement includes a standard non admissions clause. In exchange, Metropolitan agreed to waive its costs and to 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
July 1, 2013 - September 30, 2013

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Communications Technician III	97-1202-0240 2004-0115-0391 2009-0112-0450 2009-0407-0665 2011-0721-0038	10/15/97 1/15/04 1/8/09 3/1/09 CT 7/20/11	\$115,000.00	Head, neck, back , upper extremities (shoulder, arm, wrist, hand), knees, body systems (digestive, circulatory, sleep disorder, fibromyalgia, diabetes) and psyche	Compromise and Release, negotiated settlement
Administrative Assistant I	2012-0319-0467	3/15/12	\$0	Neck, back , left shoulder	Stipulated settlement (providing future medical treatment only) based on treating physician's report
Administrative Assistant III	2011-0714-0017	7/14/11 CT	\$5,520.00	Left hand and wrist	Stipulated settlement based on treating physician's report
O&M Technician IV	2012-12-3-0264	12/2/12	\$1,380.00	Left wrist & forearm	Stipulated settlement based on treating physician's report
O&M Technician I	2011-0523-0602	5/9/11	\$6,210.00	Back, lumbar spine	Stipulated settlement based on treating physician's report
O&M Technician IV	2012-1030-0222	8/30/12 CT	\$0	Hearing loss	Stipulated settlement (providing future medical treatment only) based on consulting physician's report

ATTACHMENT B
Non-Litigated Third Party Claims Against Metropolitan Resolved During the Period
July 1, 2013 - September 30, 2013

Claimant	Control No. CW No.	Amount of Settlement	Incident Description	Basis for Resolution
Robert Agan	2013-0227-0376 CW 1850381	\$684.05	On 2/13/13, a District vehicle backed into a third party vehicle	The third party property damage claim was settled based upon an evaluation of damages and the repair estimate
Judith A. Quintanilla	2013-0307-0392 CW 1852364	\$5,149.64	On 3/7/13, a District vehicle backed into a third party vehicle	The third party property damage claim was settled based upon an evaluation of damages and repair estimate
Jacqui Matsumoto	2013-0516-0506 CW 1856513	\$800.00	On 5/16/13, a third party tripped and fell over table cloth at an event held in the Union Station Courtyard	The third party bodily injury claim was negotiated and settled based upon an evaluation of the incident, injuries, and medical treatment
Sharlette Hanna Farmers Insurance	2013-0619-0570 CW 1862957	\$4,987.53	On 6/19/13, District vehicle backed into third party vehicle	The third party property damage claim was settled based upon an evaluation of damages and repair estimate

ATTACHMENT C
 Costs Collected During the Period
July 1, 2013 - September 30, 2013

Third Party or Cause	Control No. CW No.	Damage Amount	Incident Description	Basis for Costs Collected
Richard Sterling	2013-0212-0349 CW 1851023	\$599.43	On 2/12/13, third party rear-ended District vehicle	The property damage claim was paid in full by the third party insurance carrier
Abhijit Sapre	2013-0712-0020 CW 1861096	\$5,339.15	On 7/11/2913, a third party made a left turn in front of District vehicle causing damage to both vehicles	The property damage claim was paid in full by the third party insurance carrier

ATTACHMENT D
Property Damage Claims Written Off as Uncollectible During the Period
July 1, 2013 - September 30, 2013

Third Party or Cause	Control No. CW No.	Damage Amount	Incident Description	Basis for Write-Off
Krystal Ehslich	2011-1109-0243 CW 1602146	\$3,856.91	On 11/9/11, a third party driver struck the rear of the District vehicle and pushed into another vehicle	The costs were written off because the third party could not be located
Altered Glass Service	2010-0521-0677 CW 1528382	\$664.26	On 5/20/10, a third party driver, without identification, struck the rear of the District vehicle	MWD could not collect the money in small claims court or through a collection agency, and it is no longer cost effective to continue collection efforts
Unidentified Third Party	2012-0403-0487 CW 1734682	\$850.00	On 4/3/12, an unidentified third party driver struck and damaged a District fence	The costs were written off as the third party could not be identified
Todd Ammons	2010-0427-0619 CW 1523801	\$657.10	On 4/26/10, a third party driver struck the rear of a District vehicle	The costs were written off as it was no longer cost effective to continue collection efforts
Unidentified Third Party	2010-1012-0189 CW 1539348	\$3,090.00	On 10/11/10, an unidentified third party driver struck and damaged a District fence	The costs were written off as the third party could not be identified
Unidentified Third Party	2011-0822-0093 CW 1596181	\$657.00	On 8/19/11, an unidentified third party driver struck and damaged a District fence	The costs were written off as third party could not be identified

ATTACHMENT D
 Property Damage Claims Written Off as Uncollectible During the Period
July 1, 2013 – September 30, 2013

Third Party or Cause	Control No. CW No.	Damage Amount	Incident Description	Basis for Write-Off
Damaged During Use	2008-1209-0391 CW 1860907	\$2,078.67	On 12/8/08, a District driver struck rocks and debris causing damage to a District vehicle	An employee working in course of scope of employment was responsible for the damage
Louise Houdyshell	2012-0709-0008 CW 1759056	\$460.93	On 7/3/12, a third party driver struck the rear of a District vehicle	MWD negotiated with the third party and recovered \$7,178.16 and wrote off the uncollected balance of \$460.93
Stacey Flanegin	2011-0118-0362 CW1546601	\$224.00	On 1/31/11, a third party driver struck the rear of a District vehicle	MWD negotiated with the third party and recovered \$2,041.35 and wrote off the uncollected balance of \$224.00