



● December 31, 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 October 1, 2013 - December 31, 2013.
ATTACHMENT B:	Claims Against Metropolitan During the Period October 1, 2013 - December 31, 2013.
ATTACHMENT C:	Costs Collected During the Period October 1, 2013 - December 31, 2013.
ATTACHMENT D:	Property Damage Written Off as Uncollectible During the Period October 1, 2013 - December 31, 2013. None.
ATTACHMENT E:	Accounts Receivable Written Off as Uncollectible During the Period October 1, 2013 - December 31, 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:

Best, Best & Krieger, LLP

This agreement was amended this quarter to reflect an increase in the maximum amount payable and to delete and replace the scope of work to be performed.

Best, Best & Krieger, LLP

Metropolitan, along with the Association of California Water Agencies, retained Special Counsel to prepare and file an amicus brief in support of Mingo Logan Coal Company's ("Mingo Logan") petition for writ of certiorari and, if granted, to prepare and file an amicus brief in *Mingo Logan Coal Co. v. United States Environmental Protection Agency* (United States Supreme Court).

Dr. David A. Carrillo

Metropolitan retained Consultant to provide legal consultation and advice regarding certain claims asserted in the *San Diego County Water Authority v. Metropolitan Water District of Southern California et al.* lawsuits, San Francisco County Superior Court Case Nos. CPF-10-510830 and CPF-12-512466.

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Geitner Environmental Management Group, LLC

Metropolitan retained Consultant to provide to the General Counsel review and analysis in connection with the *San Diego County Water Authority v. Metropolitan Water District of Southern California et al.* lawsuits, San Francisco County Superior Court Case No. CPF-10-510830 and Los Angeles County Superior Court Case No. BS137830.

NewGen Strategies & Solutions, LLC

Metropolitan retained Consultant to provide to the General Counsel review and analysis in connection with the *San Diego County Water Authority v. Metropolitan Water District of Southern California et al.* lawsuits, San Francisco County Superior Court Case No. CPF-10-510830 and Los Angeles County Superior Court Case No. BS137830.

Olson Hagel & Fishburn, LLP

Metropolitan retained Special Counsel to assist Metropolitan, under the direction of the General Counsel, in the defense of the *San Diego County Water Authority v. Metropolitan Water District of Southern California et al.* lawsuits, San Francisco County Superior Court Case Nos. CPF-10-510830 and CPF-12-512466.

Public Interest Investigations, Inc.

Metropolitan retained Consultant to investigate and provide recommendations on a complaint lodged by Metropolitan employee with the Metropolitan Equal Employment Opportunity unit.

Rodriguez Strategies

Metropolitan retained Consultant to provide consulting services in connection with the *San Diego County Water Authority v. Metropolitan Water District of Southern California et al.* lawsuits, San Francisco County Superior Court Case Nos. CPF-10-510830 and CPF-12-512466.

Shirley Martin Library Services

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

Trussell Technologies, Inc.

Metropolitan retained Consultant to perform review and analysis on behalf of Metropolitan, Central Arizona Water Conservation District (“CAWCD”), and Southern Nevada Water Authority (“SNWA”) pursuant to a cooperation agreement between Metropolitan, CAWCD, and SNWA of site conditions and remediation at the Nevada Environmental Response Trust Site in Henderson, Nevada.

Van Ness Feldman, LLP.

Metropolitan retained Special Counsel to provide legal representation, advice and consultation on an as-needed basis with respect to administrative and regulatory proceedings and potential actions, claims and related matters pertaining to the Bay Delta Conservation Plan.

Woodcock & Associates, Inc.

Metropolitan retained Consultant to provide to the General Counsel review and analysis in connection with the *San Diego County Water Authority v. Metropolitan Water District of Southern California et al.* lawsuits, San Francisco County Superior Court Case No. CPF-10-510830 and Los Angeles County Superior Court Case No. BS137830.

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Claims

1. Between October 1, 2013 - December 31, 2013, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims:
 - a. Litigated Claims By and Against Third Parties
No claims by and against third parties were litigated within this past quarter.
 - 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. No Property Damage Claims were declared as uncollectible by the General Manager within this past quarter.
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
October 1, 2013 - December 31, 2013

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
Aqueduct Pump Specialist/O&M Technician IV	2008-1010-0260	10/10/08	\$83,600.31	Neck, back, upper extremities sternum fracture	Stipulated settlement based on treating physician's report
Administrative Assistant II	2011-0719-0029	7/15/11	\$9,083.34	Cervical spine and left hand	Stipulated settlement based on treating physician's report
O&M Technician IV	2012-1017-0207	8/15/12	\$6,957.50	Left shoulder	Stipulated settlement based on treating physician's report

ATTACHMENT B
Non-Litigated Third Party Claims Against Metropolitan Resolved During the Period
October 1, 2013 - December 31, 2013

Claimant	Control No. CW No.	Amount of Settlement	Incident Description	Basis for Resolution
Robert Engle	2013-0124-0325 CW 1846781	\$6,000.00	On 1/17/13, a water line in a District house broke causing structural damage and damage to employee's personal property	The employee's personal property damage claim was evaluated and settled based upon the amount recommended by the third party property appraiser

ATTACHMENT C
 Costs Collected During the Period
October 1, 2013 - December 31, 2013

Third Party or Cause	Control No. CW No.	Damage Amount	Incident Description	Basis for Costs Collected
Aristeo Lazaro Espinoza	2013-0725-0042 CW 1863492	\$595.00	On 2/3/2013, third party struck and damaged District fence	The property damage claim was paid in full by the third party insurance carrier
Natalie Michelle Leflore	2013-0625-0585 CW 1860065	\$577.67	On 6/25/2013, third party struck and damaged District vehicle	The property damage claim was paid in full by the third party insurance carrier
Mark Sergeant	2013-1007-0165 CW 1868336	\$965.00	On 10/5/2013, third party struck and damaged a section of District fence	The property damage claim was paid in full by the third party insurance carrier