



- September 30, 2017 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 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
July 1, 2017 – September 30, 2017.
- ATTACHMENT B: Claims Against Metropolitan Resolved by Risk Management During the Period
July 1, 2017 - September 30, 2017.
- ATTACHMENT C: Costs Collected During the Period
July 1, 2017 - September 30, 2017.
- ATTACHMENT D: Property Damage Written Off as Uncollectible During the Period
July 1, 2017 - September 30, 2017. None.
- ATTACHMENT E: Accounts Receivables Written Off as Uncollectible During the Period
July 1, 2017 - September 30, 2017. 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

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

Best Best & Krieger LLP

Metropolitan retained the services of special counsel to provide legal advice on general land use and Surface Mining and Reclamation Act issues.

C.A. Gamble & Associates

Metropolitan retained the services of Consultant to analyze delay claims in the matter of *Shimmick Construction Company, Inc./Obayashi Corporation, Joint Venture v. Metropolitan Water District of Southern California*, Los Angeles Superior Court Case No. BC559603.

Edward Davis

Metropolitan retained the services of Consultant to analyze contractor claims in the matter of *Shimmick Construction Company, Inc./Obayashi Corporation, Joint Venture v. Metropolitan Water District of Southern California*, Los Angeles Superior Court Case No. BC559603.

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ICF Jones & Stokes, Inc.

Metropolitan retained the services of Consultant to provide written effects analysis of the proposed 2017 fall X2 Action. This agreement was also amended this quarter to reflect an increase in the maximum amount payable.

Lea Associates, Inc.

Metropolitan retained the services of Consultant to appraise the fair market value of a single family residence and the fair market value for acquiring a vibration easement.

TM Financial Forensics, Inc.

Metropolitan retained the services of Consultant to analyze contractor claims in the matter of *Shimmick Construction Company, Inc./Obayashi Corporation, Joint Venture v. Metropolitan Water District of Southern California*, Los Angeles Superior Court Case No. BC559603.

Claims and Other Matters

1. Between July 1, 2017 – September 30, 2017, Metropolitan initiated, compromised, settled, or otherwise disposed of the following claims and entered into the following separation agreements:

a. **Litigated, Compromised and Settled Claims By and Against Third Parties**

Metropolitan entered into a settlement agreement within this past quarter for the following matter:

Arroyo, et al. v. Steele, et al., Los Angeles Superior Court Case No. BC614766

On March 25, 2016, plaintiffs Alma Rosa Arroyo and Alfredo Perez filed a complaint with causes of action for motor vehicle alleging property damage and personal injury of over \$65,000. Metropolitan was served on April 27, 2016. Pursuant to meet and confer discussions, plaintiffs filed a first amended complaint on June 17, 2016. Then, Metropolitan conducted further investigations, including subpoenaing medical information and propounding written discovery. As a result, Metropolitan negotiated a settlement of \$9,830 for a full settlement and release of all claims subject to this lawsuit. On August 21, 2017, the court dismissed the entire case with prejudice.

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 Resolved by Risk Management**

Non-litigated third party claims resolved by Risk Management (under authority delegated by the General Manager) and approved by the General Counsel within this past quarter are reported in Attachment B.

d. **SB 90 Claims**

There were no SB 90 claims for reimbursement for state-mandated costs collected within this past quarter.

e. **Separation Agreements**

Metropolitan did not enter into any separation agreements within this past quarter.

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2. Costs collected for claims within this past quarter are reported in 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
July 1, 2017 – September 30, 2017

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
O&M Technician IV	2017-0531-0563	5/30/17 CT	\$0	Bilateral hearing loss	Stipulated settlement, providing future medical care, based on consulting physician's report
O&M Technician IV	2016-0128-0282	1/21/16	\$40,020.00	Right shoulder	Stipulated settlement based on treating physician's report
O&M Technician IV	2015-0521-0548	5/21/15	\$21,895.00	Left shoulder	Stipulated settlement based on treating physician's report
O&M Technician IV	2015-1006-0169	10/6/15	\$83,302.50	Cervical spine	Stipulated settlement based on treating physician's report
O&M Technician IV	2017-0508-0522	8/30/16 CT	\$0	Bilateral hearing loss	Stipulated settlement, providing future medical care, based on consulting physician's report
Construction Inspector III	2017-0515-0540	12/27/16 CT	\$17,545.00	Bilateral hearing loss	Stipulated settlement based on consulting physician's report

ATTACHMENT B
 Claims Against Metropolitan Resolved by Risk Management During the Period
July 1, 2017 – September 30, 2017

Claimant	Control No. TPA No.	Amount of Settlement	Incident Description	Basis for Resolution
Orange County Transportation Authority	2017-0206-0358 027-000012	\$855.00	On 2/5/17, an MWD vehicle drifted in into the toll road lane and struck the k-rail	The third party claim was settled based upon the lost revenue reported for the period of time that the MWD vehicle was blocking the lane.

ATTACHMENT C
 Costs Collected During the Period
July 1, 2017 – September 30, 2017

Third Party or Cause	Control No. TPA No.	Damage Amount	Incident Description	Basis for Costs Collected
Catherine Scribner	2017-0707-0009 026-000041	\$5,030.24	On 7/7/16, a third party driver struck and damaged an MWD vehicle.	The property damage claim was paid in full by the third party insurance carrier.
Felix Salvatierra Guerrero	2017-0206-0363 026-000002	\$16,019.96	On 2/6/17, a third party driver struck and damaged an MWD vehicle.	The property damage claim was paid in full by the third party insurance carrier.
Environmental Construction	2017-0523-0551 026-000028	\$2,613.89	On 5/23/17, a third party driver struck and damaged an MWD vehicle.	The property damage claim was paid in full by the third party.