



- December 31, 2018 Quarterly Report

## Summary

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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 Administrative Code Section 6431 and as authorized by the Board under Administrative Code Section 6430(d).

## Attachments

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- ATTACHMENT A: Workers' Compensation Matters Resolved During the Period  
October 1, 2018 – December 31, 2018.
- ATTACHMENT B: Claims Against Metropolitan Resolved by Risk Management During the Period  
October 1, 2018 – December 31, 2018.
- ATTACHMENT C: Costs Collected During the Period  
October 1, 2018 – December 31, 2018.
- ATTACHMENT D: Property Damage Written Off as Uncollectible During the Period  
October 1, 2018 – December 31, 2018 – None.
- ATTACHMENT E: Accounts Receivables Written Off as Uncollectible During the Period  
October 1, 2018 – December 31, 2018.

## Detailed Report

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### Contracts

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

#### **Aleshire & Wynder LLP**

Metropolitan retained the services of Special Counsel to provide legal service on an as-needed basis related to oil, mineral and gas leases and other agreements, regulations, and related issues.

#### **GeoPentech, Inc.**

Metropolitan retained the services of Consultant to provide geologic and hydrogeologic services to assist with the investigation process and to evaluate remedial options for Metropolitan's groundwater storage program with Arvin-Edison Eater Storage District.

#### **Horvitz & Levy LLP**

Metropolitan retained the services of Special Counsel to assist and provide legal services in the *LADWP v. MWD* (PRA) matter.

#### **Horvitz & Levy LLP**

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

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### **Public Interest Investigations, Inc.**

Metropolitan retained the services of Consultant to investigate, and to provide analysis and recommendations regarding EEO-based complaints and allegations raised by and concerning Metropolitan employees.

### **Susan Wooley**

Metropolitan retained the services of Consultant to investigate, and to provide analysis and recommendations as directed, on allegations of discrimination lodged by a Metropolitan employee with Metropolitan's Equal Employment Opportunity unit.

## **Claims and Other Matters**

1. Between July 1, 2018 – September 30, 2018, 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 the following settlement agreements within this past quarter.
    - i. A dismissal was entered this quarter by the State in the matter entitled, *Metropolitan Water District v. The State of California, Division of State Architects*, Los Angeles Superior Court Case No. BC722461. This was an unlawful detainer action to evict state government holdover tenants located in Metropolitan's Headquarters.
  - 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  
No SB 90 claims for reimbursement for state-mandated costs collected 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 in Attachment C.
3. No Property Damage Claims were declared as uncollectible by the General Manager within this past quarter.
4. Accounts Receivables were written off as uncollectible by the General Manager within this past quarter are reported in Attachment E.

**ATTACHMENT A**  
 Workers' Compensation Matters Resolved During the Period  
October 1, 2018 – December 31, 2018

<b>Classification</b>	<b>Control No.</b>	<b>Date of Injury</b>	<b>Amount of Settlement</b>	<b>Nature of Injury</b>	<b>Basis for Settlement</b>
Electrical Specialist	2016-1206-0266	10/27/16	\$2,160.00	Right elbow	Stipulated settlement based on Agreed Medical Evaluator's report
Team Manager IV	2017-0405-0470	3/28/17	\$12,252.50	Right shoulder	Stipulated settlement based on Agreed Medical Evaluator's report
O&M Tech IV	2016-1031-0212	8/31/17	\$4,350.00	Degenerative changes to dorsal spine	Stipulated settlement based on Agreed Medical Evaluator's report <b>Agreement signed on 1/3/19</b>

**ATTACHMENT B**  
Claims Against Metropolitan Resolved by Risk Management During the Period  
October 1, 2018 – December 31, 2018

<b>Claimant</b>	<b>Control No. TPA No.</b>	<b>Amount of Settlement</b>	<b>Incident Description</b>	<b>Basis for Resolution</b>
Matthew Hosier	2018-0302-0462 027-000031	\$664.30	On 3/2/18, an MWD vehicle backed into a third party vehicle causing damage.	The third party property claim was settled based upon an evaluation of the accident and resulting out of pocket costs (insurance deductible and a portion of the rental) presented by the claimant. A subrogation claim for vehicle repair costs was submitted separately by the claimant's carrier.
Marcus Suzuki	2018-0523-0625 027-000046	\$6,500.00	On 5/19/18, a third party slipped and fell on debris originating from a MWD tree and sustained injury.	The third party injury claim was negotiated and settled based on the facts of the incident, and evaluation of the injury and treatment costs.
Daniel Munoz	2018-0221-0427 027-000028	\$7,755.25	On 2/19/18, an MWD vehicle rear-ended a third party vehicle causing vehicle damage and bodily injury.	The third party property damage and bodily injury claim was negotiated and settled based upon an evaluation of the impact, vehicle damage, injury, and treatment costs for a combined total of \$7,755.25. The property damage portion was settled for \$2,255.25 which was the actual cash value of the vehicle, because the repair costs exceeded the property value. The bodily injury claim was negotiated and settled for \$5,500.

**ATTACHMENT C**  
Costs Collected During the Period of  
October 1, 2018 – December 31, 2018

<b>Third Party or Cause</b>	<b>Control No. TPA No.</b>	<b>Damage Amount</b>	<b>Incident Description</b>	<b>Basis for Costs Collected</b>
Lacy Ontiveros (Kemper Ins)	2018-0508-0594 026-000111	\$516.69	On 5/7/18, a third party vehicle rear-ended and damaged an MWD vehicle.	The property damage claim was paid in full by the third party insurance carrier.

**ATTACHMENT E**  
 Accounts Receivable Written Off as Uncollectible During the Period of  
October 1, 2018 – December 31, 2018

<b>Invoice Date</b>	<b>Invoice Number</b>	<b>Customer Name</b>	<b>Amount Written off</b>	<b>Brief Description</b>	<b>Basis for Write-Off</b>	<b>Date Written Off</b>
N/A	N/A	N/A	\$2,000.00	JV 37 Write Off Emergency Cash Fund	On 06/27/17, Management reported to Riverside Police Department, \$2,000 was stolen from the Mills facility emergency cash fund.	10/31/18
		<b>Total</b>	<b>\$2,000.00</b>			