



● September 30, 2020 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 Administrative Code Section 6431.

Attachments

- ATTACHMENT A: Workers' Compensation Matters Resolved During the Period
July 1, 2020 – September 30, 2020.
- ATTACHMENT B: Claims Against Metropolitan Resolved by Risk Management During the Period
July 1, 2020 – September 30, 2020.
- ATTACHMENT C: Costs Collected During the Period
July 1, 2020 – September 30, 2020.
- ATTACHMENT D: Property Damage Written Off as Uncollectible During the Period
July 1, 2020 – September 30, 2020 - NONE.
- ATTACHMENT E: Accounts Receivables Written Off as Uncollectible During the Period
July 1, 2020 – September 30, 2020 - 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:

Andrade Gonzalez LLP

Metropolitan retained the services of Special Counsel to provide legal representation with respect to the breach of contract, breach of the implied covenant of good faith and dealing, and potentially other non-environmental causes of action in the matter of *Metropolitan Water District of Southern California, et al. v. California Dept. of Fish and Wildlife, et al.*, Fresno County Superior Court Case No. 20CECG01347.

Atkinson, Adelson, Loya, Rudd & Romo

Metropolitan retained the services of Special Counsel to provide legal advice and consultation regarding Metropolitan drone and airspace issues.

Burke Williams & Sorensen LLP

Metropolitan retained the services of Special Counsel to provide legal representation of Metropolitan in the anticipated matter of *California Department of Water Resources v. All Persons Interested*, validation action in Sacramento Superior Court Case No. 34-2020-00283112 and other matters and proceedings related to the financing and funding of the Delta Conveyance Project.

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Mark Maunder

Metropolitan retained the services of Consultant to provide Metropolitan with Delta Smelt Modeling.

Meyers, Nave, Riback, Silver & Wilson

Metropolitan retained the services of Special Counsel to provide legal advice and representation in the matter of *Imperial Irrigation District v. The Metropolitan Water District of Southern California; Coachella Valley Water District; Palo Verde Irrigation District; City of Needles; and Does 21-40, inclusive, Real Parties in Interest; and related actions*, Los Angeles Superior Court case No. 19STCP01376.

Pacific Construction Consultants, Inc.

Metropolitan retained the services of Consultant to provide advice on the update to the general conditions used in Metropolitan's construction contracts.

Theodora Oringher PC

Metropolitan retained the services of Special Counsel to provide advice on the update to the general conditions used in Metropolitan's construction contracts.

Van Dermynen Maddux Law Corporation

Metropolitan retained the services of Special Counsel to conduct and administer a climate review to address allegations of EEO-based systemic discrimination, harassment and retaliation brought forward by Metropolitan employees regarding but not limited to (a) Metropolitan's Desert operations and (b) Metropolitan's apprenticeship program.

Claims and Other Matters

1. Between July 1, 2020 – September 30, 2020, 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 resolved the following matter within this past quarter:

i. **Puckett v. Metropolitan Water District**

On December 26, 2018, Plaintiff Bruce Puckett filed a complaint in Riverside County Superior Court against Metropolitan. Plaintiff alleged two causes of action against Metropolitan for dangerous conditions of public property and negligence. Plaintiff was an employee of the DVL Marina concessionaire at the time of the incident and Metropolitan tendered the defense as an additional insured under the concessionaire's insurance policy. The insurer defended Metropolitan in the case which was settled in the amount of \$30,000. After court closures and delays related to the COVID-19 pandemic, the case was dismissed. Settlement was paid in full by the insurer and Metropolitan did not incur any costs.

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

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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. 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, 2020 – September 30, 2020

Classification	Control No.	Date of Injury	Amount of Settlement	Nature of Injury	Basis for Settlement
O&M Tech IV	2019-0429-0527	4/29/19	\$1,740.00	Left Shoulder	Negotiated Stipulation

ATTACHMENT B
 Claims Against Metropolitan Resolved by Risk Management During the Period
July 1, 2020 – September 30, 2020

Claimant	Control No. TPA No.	Amount of Settlement	Incident Description	Basis for Resolution
Wawanesa Insurance for Enterprise Leasing Group and Shirly Mahgerefteh	2019-0815-0088 027-000096	\$1,551.40	On 8/15/2019, an MWD vehicle struck and damaged a third party parked and unoccupied vehicle	The third party insurance carrier, Wawanesa Insurance, filed a claim on behalf of their insured Shirly Mahgerefteh for reimbursement of her \$500.00 insurance deductible, and reimbursement in the amount of \$1,051.40 to Enterprise Leasing Group to repair damage to their vehicle
Claims Resource Services (CRS) on behalf of American Automobile Association (AAA)	2019-1025-0227 027-000108	\$2,136.70	On 10/24/2019, an MWD vehicle struck and damaged the rear of a third party vehicle	The third party, CRS the authorized collector, filed the claim on behalf of AAA. The claim was settled based upon an evaluation of the accident, damage and repair cost

ATTACHMENT C
Costs Collected During the Period of
July 1, 2020 – September 30, 2020

Third Party or Cause	Control No. TPA No.	Costs Collected	Incident Description	Basis for Costs Collected
NX Utilities LLC	2018-0303-0447 026-000268	\$1,562.12	On 3/3/2020, a third-party vehicle struck and damaged the passenger side of the MWD vehicle while changing lanes	The property damage claim was paid in full by the third party
Ralph Allen	2018-0807-0064 / 026-000135	\$2,511.41	On 8/6/2018, a third-party vehicle rear-ended and damaged the bumper of an MWD vehicle stopped at a red light	The property damage claim was paid in full by the third party
Norma Gutierrez	2019-1120-0270 026-000186	\$2,770.08	On 10/2/2019, a third-party vehicle struck and damaged an electrical box	MWD collected \$2,700.08, a negotiated settlement of the \$3,992.10 repair cost, due to comparative liability, from the third party insurance carrier after an evaluation of the liability, damage and repair costs
Alfonso Ochoa	2020-0210-0406 026-000262	\$6,352.30	On 2/10/2020, a third-party vehicle rear-ended and damaged the bumper of an MWD vehicle stopped in traffic on the freeway	The property damage claim was paid in full by the third party