



**CITY OF LODI**  
**COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Other Various Cases being Handled by Outside Counsel (\$27,268.87), and Approval of Special Allocation Covering General Litigation Matter Expenses (\$5,808.42).

**MEETING DATE:** February 16, 2005 City Council Meeting

**PREPARED BY:** Steve Schwabauer, City Attorney

**RECOMMENDED ACTION:** That the City Council approve for payment expenses incurred by outside counsel/Consultants related to the Environmental Abatement Litigation and various cases being handled by Outside Counsel in the total amount of \$27,268.87, and approve Special Allocation for General Litigation Matter Expenses in the amount of \$5,808.42 to be paid from the General Fund.

**BACKGROUND INFORMATION:** Listed below are invoices from the City's outside counsel, Kronick, Moskovitz, Tiedemann & Girard that were incurred relative to the Environmental Abatement Program litigation and various other cases and JAMS Mediation Service that are currently outstanding and need to be considered for payment. A Special Allocation is required for those matters that are not to be paid out of the Water/Wastewater accounts (\$5,808.42).

Kronick, Moskovih, Tiedemann & Girard

Matter No./Description	Coverage Period	Invoice No.	Amount
11233.021 On-site Litigation Support (Docket Clerk)	Through 10/25/04	216545	<b>\$ 1,691.01</b>
11233.021 On-site Litigation Support (Docket Clerk)	Through 12/25/04	217455	<b>\$ 1,600.00</b>
11233.021 On-site Litigation Support (Docket Clerk)	Through 01/25/05	218171	<b>\$ 1,600.00</b>
11233.001 General Advice	Through 12/25/04	217456	5 67.50*
11233.003 Lehman Brothers, Inc.	Through 12/25/04	217456	5 15.00
11233.009 Rogers v. County of San Joaquin. et al.	Through 12/25/04	217456	5 401.32*
11233.010 Pheips v. City of Lodi et al.	Through 12/25/04	217456	\$ 1,370.23*
11233.016 Hartford Litigation	Through 12/25/04	217456	5 47.48
11233.017 M&P Investments	Through 12/25/04	217456	5 225.80
11233.023 City of Lodi v. City of Stockton	Through 12/25/04	217456	5 1,857.69
			<b>\$ 3,985.02</b>
11233.001 General Advice	Through 01/25/05	218172	5 943.00.
11233.004 Envision Law Firm	Through 01/25/05	218172	\$ 174.50
11233.009 Rogers v. County of San Joaquin, et al.	Through 01/25/05	218172	\$ 1,304.22*
11233.010 Phelps v. City of Lodi et al.	Through 01/25/05	218172	5 1,722.15*
11233.023 City of Lodi v. City of Stockton	Through 01/25/05	218172	\$ 418.80
11233.024 Stockton Family Farmers Coalition	Through 01/25/05	218172	\$ 288.60
11233.025 City of Stockton v. City of Lodi	Through 01/25/05	218172	\$ 364.30
			<b>\$ 5,215.57</b>

\* Requires Special Allocation for payment from General Fund.

APPROVED:   
Blair King, City Manager

**JAMS**

Invoice#0000948677-110 Mediation Services (M&P Investments)  
For period 1/12/05 - 1/31/05

\$ 12,146.02

Invoice#0000948753-100 Mediation Services (Lehman)  
For period 01/26/05

\$ 1,031.25  
\$ 13,177.27

**GRAND TOTAL OF ALL INVOICES**

**\$ 27,268.87**

**FUNDING:** Water \$10,730.23  
Wastewater \$10,730.22  
General Fund \$5,808.42

*Stephen Schwabauer*

Stephen Schwabauer  
City Attorney

*PS*

Approved:

*Jim Krueger*  
Krueger, Finance Director  
Jim Krueger, Finance Director



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Other Various Cases being Handled by Outside Counsel (\$53,321.78), and Approval of Special Allocation Covering General Litigation Matter Expenses (\$18,462.03).

**MEETING DATE:** February 16, 2005 City Council Meeting

**PREPARED BY:** Steve Schwabauer, City Attorney

**RECOMMENDED ACTION:** That the City Council approve for payment expenses incurred by outside counsel/Consultants related to the Environmental Abatement Litigation and various cases being handled by Outside Counsel in the total amount of \$53,321.78, and approve Special Allocation for General Litigation Matter Expenses in the amount of \$18,462.03 to be paid from the General Fund.

**BACKGROUND INFORMATION:** Listed below are invoices from the City's outside counsel, Kronick, Moskovitz, Tiedemann & Girard that were incurred relative to the Environmental Abatement Program litigation and various other cases, and JAMS Mediation Service that are currently outstanding and need to be considered for payment. A Special Allocation is required for those matters that are not to be paid out of the Water/Wastewater accounts (\$18,462.03).

Matter No./Description	<u>Kronick, Moskovitz, Tiedemann &amp; Girard</u>		
	Coverage Period	Invoice No.	Amount
11233.021 On-site Litigation Support (Docket Clerk)	Through 10/25/04	216545	\$ 1,691.01
11233.021 On-site Litigation Support (Docket Clerk)	Through 12/25/04	217455	\$ <u>1,600.00</u>
11233.021 On-site Litigation Support (Docket Clerk)	Through 01/25/05	218171	\$ <u>1,600.00</u>
11233.001 General Advice	Through 10/25/04	216546	\$ 250.62*
11233.009 Rogers v. County of San Joaquin. et al	Through 10/25/04	216546	\$ 5,358.73*
11233.010 Phelps v. City of Lodi et al.	Through 10/25/04	216546	\$ 7,044.26*
11233.014 Fireman's Fund (#04-15136)	Through 10/25/04	216546	\$ 90.00
11233.016 Hartford Litigation	Through 10/25/04	216546	\$ 19.00
11233.017 M&P Investments	Through 10/25/04	216546	\$ 52.36
11233.022 Sphere of Influence-White Slough	Through 10/25/04	216546	\$ 748.50
11233.023 City of Lodi v. City of Stockton	Through 10/25/04	216546	\$ 10,209.46
11233.024 Stockton Family Farmers Coalition	Through 10/25/04	216546	\$ 1,678.18
11233.025 City of Stockton v. City of Lodi	Through 10/25/04	216546	\$ <u>601.80</u>
			\$ 26,052.91
11233.001 General Advice	Through 12/25/04	217456	\$ 67.50*
11233.003 Lehman Brothers, Inc.	Through 12/25/04	217456	\$ 15.00
11233.009 Rogers v. County of San Joaquin. et al.	Through 12/25/04	217456	\$ 401.32*
11233.010 Phelps v. City of Lodi et al.	Through 12/25/04	217456	\$ 1,370.23*
11233.016 Hartford Litigation	Through 12/25/04	217456	\$ 47.48
11233.017 M&P Investments	Through 12/25/04	217456	\$ 225.80
11233.023 City of Lodi v. City of Stockton	Through 12/25/04	217456	\$ <u>1,857.69</u>
			\$ 3,985.02

APPROVED:   
Blair King, City Manager

11233.001 General Advice	Through 01/25/05	218172	\$ 943.00*
11233.004 Envision Law Firm	Through 01/25/05	218172	\$ 174.50
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11233.025 City of Stockton v. City of Lodi	Through 01/25/05	218172	<u>\$ 364.30</u>
			\$ 5,215.57

\* Requires Special Allocation for payment from General Fund.

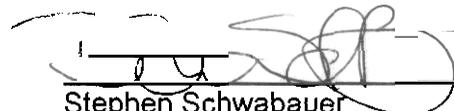
**JAMS**

Invoice#0000948677-110 Mediation Services (M&P Investments) \$ 12,146.02  
 For period 1/12/05 – 1/31/05

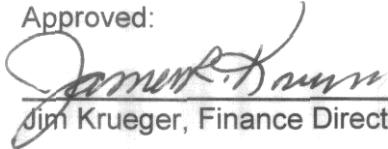
Invoice#0000948753-100 Mediation Services (Lehman) \$ 1,031.25  
 For period 01/26/05 \$ 13,177.27

**GRAND TOTAL OF ALL INVOICES \$ 53,321.78**

**FUNDING:** Water \$17,429.88  
 Wastewater \$17,429.87  
 General Fund \$18,462.03

  
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 Stephen Schwabauer  
 City Attorney

Approved:

  
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 Jim Krueger, Finance Director