



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$526,246.23)

MEETING DATE: October 20, 2004 City Council Meeting

PREPARED BY: Steve Schwabauer, City Attorney

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside counsel, Folger, Levin & Kahn, relative to the Environmental Abatement Program litigation in the amount of \$537,239.23.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn, that were incurred relative to the Environmental Abatement Program litigation that are currently outstanding and need to be considered for payment:

<u>June 20 – July 31, 2004</u>			<u>August 1 – August 31, 2004</u>		
<u>Matter No.</u>	<u>Invoice No.</u>	<u>Amount</u>	<u>Matter No.</u>	<u>Invoice No.</u>	<u>Amount</u>
2001	83595	\$ 30,408.16 (-\$ 430)	2001	#83726	\$ 8,114.92 (-\$ 160)
2002	83596	\$ 33,258.71 (-\$ 532)	2002	#83730	\$ 5,872.50 (-\$ 132)
8001	83594	\$ 8,836.17 (-\$ 583)	8001	#83727	\$ 42.64
8002	83602	\$164,831.22 (-\$2,715)	8002	#83732	\$209,748.14 (-\$5,264)
8003	83593	\$ 12,100.22 (-\$ 517)	8003	#83729	\$ 24,545.00 (-\$ 121)
8004	83597	\$ 1,992.30 (-\$ 154)	8004	#83728	\$ 655.20 (-\$ 99)
8005	83598	\$ 1,909.59 (-\$ 77)	8007	#83731	\$ 15,845.00 (-\$ 55)
8006	83599	\$ 652.80			\$264,823.40
8007	83600	\$ 9,726.50 (-\$ 154)			\$258,992.40
8008	83601	\$ 8,700.16			
		\$272,415.83			
		\$267,253.83			

GRAND TOTAL OF ALL INVOICES **\$537,239.23**
LESS FEES NOT APPROVED FOR JULY & AUGUST **10,993.00**
NEW TOTAL **\$526,246.23**


 Stephen Schwabauer
 City Attorney

FUNDING: Water 50%
Wastewater 50%

Approved:

Jim Krueger, Finance Director

APPROVED: _____
Janet Keeter, Interim City Manager

**PCE/TCE Litigation
6-Month Budget Recap (July-December 2004)**

Matter	6-Month Budget*	Opening Balance for 6-Month Budget	One Month Aliquot	Amount Billed July **	Variance from Monthly Aliquot	Remainder 6-Month Budget
Lehman Bros. Matters 2001, 2002	880,000		146,667	63,667	83,000	816,333
M&P, Related Cases includes matters 8001, 8002, 8004, 8005, and 8006	650,000		108,334	178,222	(69,888)	471,778
Hartford Action 8003	200,000		33,334	12,100	21,234	187,900
Envision Claims 8008	200,000		33,334	8,700	24,634	191,300
RWQCB Matters 8007	294,000		49,000	9,727	39,273	284,273
Totals	2,224,000		370,669	272,416	98,253	1,951,584

*Approved at estimated aggregate midpoint, \$2.17 million

**Invoices dated September 21, 2004 for period June 20 - July 31. Note that additional budget amounts, not reflected here, were approved for the interim from after the end of the first 30 days (June 20) until the approval of the 6-month budget for July to December, 2004.

**PCE/TCE Litigation
6-Month Budget Recap (July-December 2004)**

Matter	6-Month Budget*	Opening Balance for 6-Month Budget	One Month Aliquot	Amount Billed August**	Variance from Monthly Aliquot	Remainder 6-Month Budget
Lehman Bros. Matters 2001, 2002	880,000	816,333	146,667	13,987	132,680	802,346
M&P, Related Cases includes matters 8001, 8002, 8004, 8005, and 8006	650,00	471,778	108,334	210,446	-102,112	261,332
Hartford Action 8003	200,000	187,900	33,334	24,545	8,789	163,355
RWQCB Matters 8007	294,000	284,273	49,000	15,845	33,155	268,428
Envision Claims 8008	200,000	191,300	49,000	98	48,903	191,300
Totals	2,224	1,951,584	370,669	264,921	105,748	1,686,663
*Approved at estimated aggregate midpoint, \$2.17 million						
**Invoices dated September 28, 2004 for period August 1- 31. Note that additional budget amounts, not reflected here, were approved for the interim from after the end of the first 30 days (June 20) until the approval of the 6-month budget for July to December, 2004.						



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		\$272,415.83

August 1 – August 31, 2004

Matter No.	Invoice No.	Amount
2001	#83726	\$ 8,114.92
2002	#83730	\$ 5,872.50
8001	#83727	\$ 42.64
8002	#83732	\$209,748.14
8003	#83729	\$ 24,545.00
8004	#83728	\$ 655.20
8007	#83731	\$ 15,845.00
		\$264,823.40

GRAND TOTAL OF ALL INVOICES \$537,239.23

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 City Attorney

FUNDING: Water 50%
 Wastewater 50%

Approved:

Jim Krueger
 Jim Krueger, Finance Director

APPROVED: *Janet Keeter*
 Janet Keeter, Interim City Manager