



**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 (\$128,921.52), Approval of Attorney's Fees Incurred by US Bank, Trustee for the Program Receipts Repurchase Agreement in the Lehman Litigation (\$11,337.50), and Approval of Special Allocation Covering General Litigation Matter Expenses (\$80,856.46)

**MEETING DATE:** December 15, 2004 City Council Meeting

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

**RECOMMENDED ACTION:** That the City Council approve for payment expenses incurred by outside counsel, Kronick, Moskovitz, Tiedemann & Girard, JAMS Mediation Services, relative to the Environmental Abatement Program litigation and general litigation matters in the total amount of \$128,921.52, approval of attorney's fees incurred by US Bank, Trustee for the Program Receipts Repurchase Agreement in the Lehman Litigation (\$11,337.50), and approve Special Allocation for General Litigation Matter Expenses in the amount of \$80,856.46 to be paid from the General Fund.

**BACKGROUND INFORMATION:** Listed below are invoices relating to the Environmental Abatement Program litigation and general litigation matters from the City's outside counsel, Kronick, Moskovitz, Tiedemann & Girard, JAMS Mediation Services, and US Bank in the total amount of \$140,259.02 for payment approval. Staff also requests approval of a Special Allocation for General Litigation Matter expenses in the amount of \$80,856.46 that is required for those matters that are paid out of the General Fund and not the Water/Wastewater accounts.

**Kronick, Moskovitz, Tiedemann & Girard**

Matter No./Description	Coverage Period	Invoice No.	Amount
11233.021 On-site Litigation Support (Docket Clerk)	Through 9/25/04	216072	<b>\$ 2,776.00</b>
11233.021 On-site Litigation Support (Docket Clerk)	Through 11/21/04	217019	<b>\$ 1,200.00</b>
11233.001 General Advice	Through 11/21/04	217020	\$ 31.99*
11233.003 Lehman Brothers, Inc.	Through 11/21/04	217020	\$ 82.80
11233.004 Envision Law Firm	Through 11/21/04	217020	\$ 47.00
11233.009 Rogers v. County of San Joaquin, et al.	Through 11/21/04	217020	\$ 125.69*
11233.010 Phelps v. City of Lodi et al.	Through 11/21/04	217020	\$ 5,594.52*
11233.017 M&P Investments	Through 11/21/04	217020	\$ 190.11
11233.023 City of Lodi v. City of Stockton	Through 11/21/04	217020	\$ 6,268.16
11233.024 Stockton Family Farmers Coalition	Through 11/21/04	217020	\$ 616.37
11233.025 City of Stockton v. City of Lodi	Through 11/21/04	217020	\$ 697.58
			<b>\$ 13,654.22</b>
11233.009 Rogers v. County of San Joaquin, et al.	Through 8/25/04	215583	\$ 40,271.01
11233.009 Rogers v. County of San Joaquin, et al.	Through 9/25/04	216073	\$ 54,833.25
			\$ 95,104.26
			<b>Negotiated Deduction - Less - 20,000.00</b>
			<b>\$ 75,104.26*</b>

\* Requires Special Allocation for payment from General Fund.

APPROVED:   
Janet Keeter, Interim City Manager

**JAMS**

Invoice #0000904465-110 Mediation Services \$ 2,887.50  
For period 9/9/04 – 9/30/04

Invoice #0000916221-110 Mediation Services \$ 19,440.03  
For period 10/5/04 – 10/29/04 Less Duplicative Entry - 1,687.50  
\$ 17,752.53

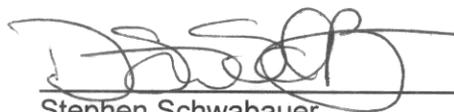
Invoice #0000925972-110 Mediation Services  
For period November \$ 15,547.01

**US Bank**

Extraordinary Administration Fees from April 1, 2004-July 31, 2004 \$ 2,795.00  
Legal Invoices through July 31, 2004 \$ 8,542.50  
\$ 11,337.50

**GRAND TOTAL \$140,259.02**

**FUNDING:** Water \$29,701.28  
Wastewater \$29,701.28  
General Fund \$80,856.46



Stephen Schwabauer  
City Attorney

Approved:

  
Jim Krueger, Finance Director