



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel Relative to the Environmental Abatement Program Litigation.

MEETING DATE: May 4, 2005 City Council Meeting

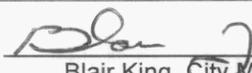
PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside counsel, Folger, Levin & Kahn related to the Environmental Abatement Litigation in the total amount of \$223,644.83.

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.

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total	Distribution	
				Amount	171399.7323	183453.7323
2002	87116	02/28/05	City of Lodi v Lehman	13,581.32	6,790.66	6,790.66
				(2,437.50)	(1,218.75)	(1,218.75)
2003	87117	02/28/05	Farr Associates v City of Lodi	2,540.42	1,270.21	1,270.21
2005	87118	02/28/05	Environmental Forensic v City of Lodi	14,448.50	7,224.25	7,224.25
2006	87067	02/28/05	Magellan Env v City of Lodi	1,995.00	997.50	997.50
8002	87119	02/28/05	People v M&P Investments	108,378.97	54,189.49	54,189.49
				(6,414.00)	(3,207.00)	(3,207.00)
8003	87120	02/28/05	Hartford Insurance Coverage Litigation	37,511.73	18,755.87	18,755.87
8006	87121	02/28/05	Fireman's Fund/Unigard Appeal	41,172.18	20,586.09	20,586.09
8007	87122	02/28/05	Regulatory Agency Orders	4,190.97	2,095.49	2,095.49
8008	87072	02/28/05	Envision Law Group	9,072.24	4,536.12	4,536.12
				(395.00)	(197.50)	(197.50)
				<u>223,644.83</u>	<u>111,822.42</u>	<u>111,822.42</u>

APPROVED: 
Blair King, City Manager

FUNDING AVAILABLE: Water \$111,822.42
 Wastewater \$111,822.42



Stephen Schwabauer
City Attorney

Approved:



Jim Krueger, Finance Director

**PCE/TCE Litigation
 6-Month Budget Recap (January - June 2005)**

JANUARY

Matter	6-Month Budget*	Opening Balance for 6-Month Budget	One Month Amount	Amount Billed January**	Variance from Monthly Amount	Remainder 6-Month Budget	Cumulative Billed In 6-Mo. Budget Period
Lehman Bros. Matters 2001, 2002	\$ 787,500	\$ 787,500	\$ 131,250	\$ 56,010	-\$75,240	\$ 731,490	\$ 56,010
M&P, Related Cases includes matters 8001, 8002, 8004, 8005, 8006 and 2003, 2004, 2005, 2006***	\$1,200,000	\$1,200,000	\$ 200,000	\$ 180,279	-\$19,721	\$ 1,019,721	\$ 180,279
Hartford Action 8003	\$ 262,500	\$ 262,500	\$ 43,750	\$ -	-\$43,750	\$ 262,500	\$ -
RWQCB Matters 8007	\$ 150,000	\$ 150,000	\$ 25,000	\$ 336	-\$24,664	\$ 149,664	\$ 336
Envision Claims 8008****	\$ 200,000	\$ 200,000	\$ 33,333	\$ 19,747	-\$13,586	\$ 180,253	\$ 19,747
Totals	\$ 2,600,000	\$ 2,600,000	\$ 433,333	\$ 256,373	-\$176,960	\$ 2,343,627	\$ 256,373

*Approved by City Council at \$2.6 million; aggregate midpoint of budget estimates submitted is \$2.64 million.

**Invoices dated March 15, 2005 for period January 1 through January 31, 2005.

*** Four additional matters were opened for defense of claims made against the City by former litigation consultants.

****Budgeted for July 2004-December 2004; will be updated now that litigation has commenced.

**PCE/TCE Litigation
6-Month Budget Recap (January - June 2005)**

FEBRUARY

Matter	6-Month Budget*	Opening Balance for 6-Month Budget	One Month Amount	Amount Billed February**	Variance from Monthly Amount	Remainder 6-Month Budget	Cumulative Billed In 6-Mo. Budget Period
Lehman Bros. Matters 2001, 2002	\$ 787,500	\$ 731,490	\$ 131,250	\$ 13,581	-\$117,669	\$ 717,909	\$ 69,591
M&P, Related Cases includes matters 8001, 8002, 8004, 8005, 8006 and 2003, 2004, 2005, 2006***	\$ 1,200,000	\$ 1,019,721	\$ 200,000	\$ 168,535	-\$31,465	\$ 851,185	\$ 348,815
Hartford Action 8003	\$ 262,500	\$ 262,500	\$ 43,750	\$ 37,512	-\$6,238	\$ 224,988	\$ 37,512
RWQCB Matters 8007	\$ 150,000	\$ 149,664	\$ 25,000	\$ 4,191	-\$20,809	\$ 145,473	\$ 4,527
Envision Claims 8008****	\$ 200,000	\$ 180,253	\$ 33,333	\$ 9,072	-\$24,261	\$ 171,180	\$ 28,820
Totals	\$ 2,600,000	\$ 2,343,627	\$ 433,333	\$ 232,891	-\$200,442	\$ 2,110,736	\$ 489,264

*Approved by City Council at \$2.6 million; aggregate midpoint of budget estimates submitted is \$2.64 million.

**Invoices dated March 29, 2005 for period February 1 through February 28, 2005.

*** Four additional matters were opened for defense of claims made against the City by former litigation consultants.

****Budgeted for July 2004-December 2004; will be updated now that litigation has commenced.