



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

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 (\$199,915.09), and Approval of Special Allocation Covering General Litigation Matter Expenses (\$5,559.70).

MEETING DATE: June 15, 2005 City Council Meeting

PREPARED BY: City Attorney's Office

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 \$199,915.09 and approve Special Allocation for General Litigation Matter Expenses in the amount of \$5,559.70 to be paid from the General Fund.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskovitz, Tiedemann & Girard, and JAMS that were incurred relative to the Environmental Abatement Program litigation and various other cases 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 (\$5,559.70). Deductions are reflected in parenthesis.

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount	Distribution	
					171399.7323	183453.7323
2002	87350	03/31/05	City of Lodi v Lehman	2,302.10	1,151.05	1,151.05
2003	87354	03/31/05	Farr Associates v City of Lodi	761.50	380.75	380.75
2005	87353	03/31/05	Environmental Forensic v City of Lodi	6,486.59	3,243.30	3,243.30
2006	87351	03/31/05	Magellan Env v City of Lodi	926.80	463.40	463.40
8001	a7347	03/31/05	General Advice-Environ Matters	2,265.93	1,132.97	1,132.97
8002	a7375	03/31/05	People v M&P Investments	112,073.76	56,036.88	56,036.88
				(5,003.00)	(2,501.50)	(2,501.50)
8003	87352	03/31/05	Hartford Insurance Coverage Litigation	13,998.96	6,999.48	6,999.48
8004	87349	03/31/05	People v. Randtron	1,863.50	931.75	931.75
8006	87348	03/31/05	Fireman's Fund/Unigard Appeal	12,255.98	6,127.99	6,127.99
8007	87313	03/31/05	Regulatory Agency Orders	1,125.70	562.85	562.85
8008	87314	03/31/05	Envision Law Group	40,998.90	20,499.45	20,499.45
				(235.00)	(117.50)	(117.50)
				189,821.72	94,910.86	94,910.86

APPROVED:


Blair King, City Manager

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Invoice No.	Date	Description	Total Amount	Distribution		
				100351.7323	171399.7323	183453.7323
220031	04/25/05	On-Site Litigation Support	1375		687.5	687.5
220032	04/25/05	General advice	1,297.68	1,297.68		
220032	04/25/05	Rogers v SJC	252.49	252.49		
220032	04/25/05	Phelps v City of Lodi	662.57	662.57		
220032	04/25/05	Sphere of Influence-WhiteSlough	437.39		218.69	218.70
220032	04/25/05	City of Lodi v City of Stockton	440.02		220.01	220.01
220032	04/25/05	Stockton Family Farmers Coal.	36.86		19.43	19.43
220032	04/25/05	City of Stockton v. City of Lodi	19.00		9.50	9.50
220032	04/25/05	Lodi First v. City of Lodi	1,248.96	1,248.96		
220032	04/25/05	Citizens for Open Govt.v.Col	2,098.00	2,098.00		
			7,869.97	5,559.70	1,155.13	1,155.14

'Requires Special Allocation for payment from General Fund(\$5,559.70).

JAMS

Invoice No.	Date	Description	Total Amount	Distribution	
				171399.7323	183453.7323
0000989807-100	04/2005	Mediation Services Environmental Forensics v. City of Lodi	\$ 275.00	\$ 137.50	\$ 137.50
0000991228-110	04/2005	Mediation Services M & P Investments	<u>\$ 1,948.40</u>	\$ 974.20	\$ 974.20
			\$2,223.40		

FISCAL IMPACT: Costs in the amount of \$5,559.70 will be paid out of the General Fund since it is legal representation related to miscellaneous City matters being handled by outside counsel

FUNDING AVAILABLE:

Water	\$ 97,177.69
Wastewater	\$ 97,177.70
General Fund	\$ 5,559.70



 Stephen Schwabauer
 City Attorney

Approved:



 Jim Krueger, Finance Director