



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$193,543.56), and Approval of Special Allocation Covering General Litigation Matter Expenses (\$7,391.76).

MEETING DATE: August 17, 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 other cases being handled by Outside Counsel in the total amount of \$193,543.56, and approve Special Allocation for General Litigation Matter Expenses in the amount of \$7,391.76 to be paid from the General Fund.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn and Kronick, Moskowitz, Tiedemann & Girard for services 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 (\$7,391.76). Deductions are reflected in parenthesis.

Folger, Levin & Kahn

Invoice No.	Date	Description	Total Amount	Distribution	
				171399.7323	183453.7323
88585	05/31/05	Environmental Forensic v City of Lodi	271.14	135.57	135.57
88584	05/31/05	Environmental Forensic v City of Lodi	162.50	81.25	81.25
88583	05/31/05	People v M&P Investments	91,016.26 (9,553.00)	45,508.13 (4,776.50)	45,508.13 (4,776.50)
88602	05/31/05	Hartford Insurance Coverage Litigation	6,512.20 (705.00)	3,256.10 (352.50)	3,256.10 (352.50)
88586	05/31/05	People v. Randtron	706.00	353.00	353.00
88588	05/31/05	Fireman's Fund/Unigard Appeal	56,976.70 (855.00)	28,488.35 (427.50)	28,488.35 (427.50)
88587	05/31/05	Envision Law Group	40,716.90 (708.00)	20,358.45 (354.00)	20,358.45 (354.00)
			<u>184,540.70</u>	<u>92,270.35</u>	<u>92,270.35</u>

APPROVED: 
Blair King, City Manager

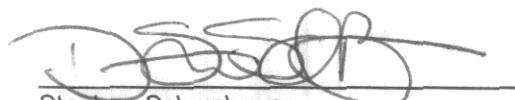
Kronick, Moskovitz, Tiedemann & Girard

Invoice No.	Date	Description	Total Amount	Distribution		
				100351.7323	171399.7323	183453.7323
221132	07/25/05	On-Site Litigation Support	1400		700	700
221133	07/25/05	General advice	129.58	129.58		
221133	07/25/05	Stockton Family Farmers	211.10		105.55	105.55
221133	07/25/05	Lodi First v. City of Lodi	2,561.41	2,561.41		
221133	07/25/05	Citizens for Open Govt.v.Col	4,700.77	4,700.77		
			<u>9,002.86</u>	<u>7,391.76</u>	<u>805.55</u>	<u>805.55</u>

FISCAL IMPACT: Expenses in the amount of \$7,391.76 for legal representation related to miscellaneous City matters being handled by outside counsel will be paid out of the General Fund (\$7,262.18 of this amount will be billed to Walmart for City's defense of the Lodi First and Citizens for Open Gov't. litigation).

FUNDING AVAILABLE:

Water	\$ 93,075.90
Wastewater	\$ 93,075.90
General Fund	\$ 7,391.76



 Stephen Schwabauer
 City Attorney

Approved:



 Jim Krueger, Finance Director