



**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 (\$378,517.20).

**MEETING DATE:** January 3, 2006 City Council Meeting

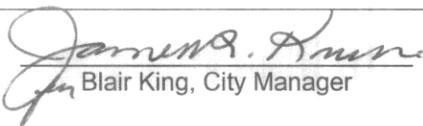
**PREPARED BY:** City Attorney's Office

**RECOMMENDED ACTION:** That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$372,891.25, and Various other cases being held by Outside Counsel in the amount of \$5,625.95.

**BACKGROUND INFORMATION:** Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskovitz, Tiedemann & Girard; and JAMS Mediation Service, for services incurred relative to the Environmental Abatement Program litigation, and various other matters that are currently outstanding and need to be considered for payment.

<b>Folger Levin &amp; Kahn - Invoices Distribution</b>				Water Acct.
Matter No.	Invoice No.	Date	Description	Amount
8002	98563	10/31/2006	People v M&P Investments	75,922.80
				-975.00
8003	98489	10/31/2006	Hartford Insurance Coverage Litigation	209,235.30
				-670.00
			Add Hartford Cost from Envision Invoice	1,264.00
8005	98566	10/31/2006	Unigard Insurance Litigation	566.00
8008	98564	10/31/2006	City of Lodi v. Envision Law Group	41,649.94
			Deduct Hartford Cost	-1,264.00
	6345	8/31/2006	West Environmental/Krasnoff	1,462.50
	6425	9/30/2006	West Environmental/Krasnoff	1,682.50
	6458	10/31/2006	West Environmental/Krasnoff	14,190.00
		Oct-Nov2006	Clint Miller, Expert	13,179.50
			<b>Total</b>	<b>\$356,243.54</b>

<b>Kronick Moskovitz Tiedemann &amp; Girard - Invoices Distribution</b>					
Invoice No.	Date	Description	Amount	100351.7323	Water
229490	11/25/06	General advice	3,895.20	3,895.20	
229490	11/25/06	ClaimsbyEnvironmentalConsult.	602.03		602.03
229490	11/25/06	Citizens for Open Govt.v.Col	667.90	667.90	
229490	11/25/06	AT&T v. City of Lodi	1,062.85	1,062.85	
		<b>Total</b>	<b>\$6,227.98</b>	<b>\$5,625.95</b>	<b>\$602.03</b>

APPROVED:   
Blair King, City Manager

**JAMS Mediation Services**

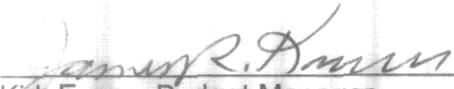
			Water Acct.
00001207867-110	10/6/2006	People v. M&P Investments	2,108.34
00001218431-110	10/31/2006	People v. M&P Investments	3,789.84
0001231054-110	11/30/2006	People v. M&P Investments	10,147.50
<b>Total</b>			<b>\$16,045.68</b>

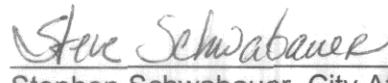
**FISCAL IMPACT:** Expenses in the amount of \$5,625.95 will be paid out of the General Fund with \$667.90 of that amount billed to Walmart for City's defense of the Citizens for Open Government litigation. The remaining expenses will be paid out of the Water Fund.

**FUNDING AVAILABLE:** Water Fund \$372,891.25  
General Fund \$ 5,625.95

Approved:

Approved:

*fn*  
  
Kirk Evans, Budget Manager

  
Stephen Schwabauer, City Attorney *PS*