



**CITY OF LODI
COUNCIL COMMUNICATION**

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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 (**\$94,880.75**), and Approval of Special Allocation Covering General Litigation Matter Expenses (**\$2,324.93**).

MEETING DATE: December 21, 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 **\$94,880.75**, and approve Special Allocation for General Litigation Matter Expenses in the amount of **\$2,324.93** 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 account (**\$2,324.93**). Deductions from the invoices are reflected in Darenthesis.

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount
8001	92141	11/30/2005	General Advice/Environmental Matters	\$781.81
8002	92193	11/30/05	People v M&P Investments	12,541.80 (407.50)
8003	92192	11/30/05	Hartford Insurance Coverage Litigation	23,602.37 (440.00)
8005	92194	11/30/05	Unigard Insurance	1,266.50
8008	92190	11/30/05	Envision Law Group	51,655.84
				<u>\$89,000.82</u>

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount
		11/30/05	Peter Krasnoff, Expert Witness	\$3,555.00
				<u>\$3,555.00</u>

APPROVED:


Blair King, Manager

Kronick Moskowitz Tiedemann & Girard - Invoices Distribution

<u>Matter No.</u>	<u>Invoice No.</u>	<u>Date</u>	<u>Description</u>	<u>Total Amount</u>	<u>Distribution 100351.7323</u>
11233.026	223120	12/25/05	Lodi First v. City of Lodi	861.93	861.93
11233.027	223120	12/25/05	Citizens for Open Gov't.v.Col	1,463.00	1,463.00
				<u>2,324.93</u>	<u>2,324.93</u>

FISCAL IMPACT: Expenses in the amount of \$2,324.93 for legal representation related to miscellaneous City matters being handled by outside counsel will be paid out of the General Fund and will be billed to Walmart for City's defense of the Lodi First and Citizens for Open Gov't. litigation).

FUNDING AVAILABLE:

Water	\$92,555.82
General Fund	\$ 2,324.93



Stephen Schwabauer
City Attorney

Approved:


Ruby Paiste, Interim Finance Director