



**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 (\$388,439.83).

**MEETING DATE:** February 7, 2007 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 \$385,574.23, and Various other cases being held by Outside Counsel in the amount of \$2,865.60.

**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
8001	99378	11/30/2006	General Advice-Environemntal	487.50
8002	99377	11/30/2006	People v M&P Investments	67,888.86
				-975.00
8003	99380	11/30/2006	Hartford Insurance Coverage Litigation	259,668.61
				-10,000.00
8008	99381	11/30/2006	City of Lodi v. Envision Law Group	12,229.70
	13969	Sept-Oct2006	PES Environemtal-Keith O'Brien	4,882.50
	14113	Oct-Dec2006	PES Environemtal-Keith O'Brien	21,946.06
		11/30/2006	Mason Investigative Group	1,484.50
	6542	11/30/2006	West Environmental/PeterKrasnoff	19,847.50
			<b>Total</b>	<b>\$377,460.23</b>

<b>Kronick Moskovitz Tiedemann &amp; Girard - Invoices Distribution</b>				100351.7323
Matter No.	Invoice No.	Date	Description	
11233.001	229969	12/25/06	General advice	115.60
11233.023	229969	12/25/06	City of Lod v. Stockton	12.49
11233.026	229969	12/25/06	Lodi First v. City of Lodi	703.00
11233.027	229969	12/25/06	Citizens for Open Govt.v.Col	560.20
11233.029	229969	12/25/06	AT&T v. City of Lodi	1,474.31
			<b>Total</b>	<b>\$2,865.60</b>

APPROVED:   
Blair King, City Manager

**JAMS Mediation Services**

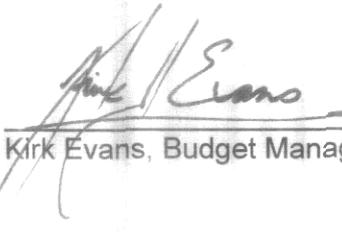
			WaterAcct
0001231962-110	Nov/Dec06	People v. M&P Investments	3,300.00
0001241864-110	12/6/2007	People v. M&P Investments	4,814.00
		<b>Total</b>	<b>\$8,114.00</b>

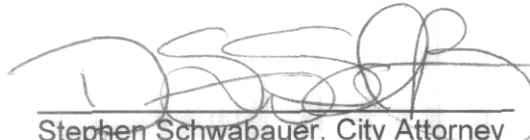
**FISCAL IMPACT:** Expenses in the amount of \$2,865.60 will be paid out of the General Fund with \$1,263.20 of that amount billed to Walmart for City's defense of the Lodi First v. City of Lodi and Citizens for Open Government v. City of Lodi litigation. The remaining expenses will be paid out of the Water Fund.

**FUNDING AVAILABLE:** Water Fund \$385,574.23  
General Fund \$ 2,865.60

Approved:

Approved:

  
Kirk Evans, Budget Manager

  
Stephen Schwabauer, City Attorney