



**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 (\$293,278.31).

MEETING DATE: November 1, 2006 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$293,028.47, and Various other cases being held by Outside Counsel in the amount of \$249.84.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskovitz, Tiedemann & Girard; JAMS Mediation Service; and Document Services Unlimited, 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.

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Acct. Total Amount
8002	97985	9/30/2006	People v M&P Investments	98,968.81
8003	97988	9/30/2006	Hartford Insurance Coverage Litigation	147,876.91
8008	97989	9/30/2006	City of Lodi v. Envision Law Group	33,326.60
Total				\$280,172.32

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

			Account: 100351.7323	Total
11233.026	228236	09/25/06	Lodi First v. City of Lodi	97.84
11233.027	228236	09/25/06	Citizens for Open Govt.v.Col	152.00
Total				\$ 249.84

APPROVED:

Blair King, City Manager

JAMS (Mediation Services)

Account: Water

Invoice #0001204354-110	State of California v. M&P Investments	\$ 6,759.39
Invoice #00001199497-100	Hartford v. City of Lodi	<u>\$ 4,300.00</u>
	Total	\$11,059.39

Document Services Unlimited

Account: Water

Invoice #06SF929129 – Duplication of Oversize Sewer “Pin” Maps Matter # 8003 Hartford v. City of Lodi		\$ 898.38
Invoice #05SF101696 – Duplication of Oversize Sewer “Pin” Maps Matter #8002 People v. M&P Investments		<u>\$ 898.38</u>
	Total	\$1,796.76

FISCAL IMPACT: Expenses in the amount of \$249.84 will be paid out of the General Fund and will then be billed to Walmart for City’s defense of the Lodi First v. City of Lodi and Citizens for Open Government litigation. The remaining expenses will be paid out of the Water Fund.

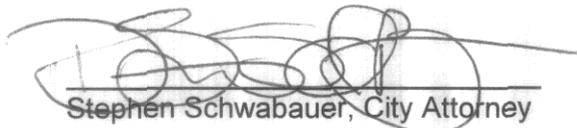
FUNDING AVAILABLE:	Water Fund	\$293,028.47
	General Fund	\$ 249.84

Approved:

Approved:



Ruby Palste, Financial Services Manager



Stephen Schwabauer, City Attorney

**PCE/TCE Litigation
 6-Month Budget Recap (July - December 2006)**

SEPTEMBER

Matter	6-Month Budget*	Opening Balance for 6-Month Budget	One Month Amount	Amount Billed September**	Variance from Monthly Amount	Remainder 6-Month Budget	Cumulative Billed In 6-Mo. Budget Period
M&P, Related Cases includes matters 8001, 8002, 8007	\$ 742,500	\$ 666,069	\$ 123,750	\$98,969	-\$24,781	\$ 567,100	\$175,400
Hartford Action 8003	\$ 835,000	\$ 601,625	\$ 139,167	\$147,435	\$8,269	\$ 454,189	\$380,811
Envision Claims 8008	\$ 365,000	\$ 309,836	\$ 60,833	\$33,327	-\$27,507	\$ 276,509	\$88,491
Totals	\$ 1,942,500	\$1,577,529	\$ 323,750	\$279,731	-\$44,019	\$1,297,799	\$644,701

*Approved by City Council at the midpoint of \$1,942,500 million.

**Invoices dated October 19, 2006 for period September 1 through September 30, 2006.

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**FOLGER LEVIN & KAHN
EXPENSES**

JULY-DECEMBER 2004	\$1,382,535.96
JANUARY-DECEMBER 2005	\$1,864,319.05
JANUARY-AUGUST 2006	\$1,213,670.25