



**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 (\$57,065.06).

MEETING DATE: May 6, 2009 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Approval of Expenses Incurred by Outside Counsel/Consultants relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$57,065.06).

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskovitz, Tiedemann & Girard and Miscellaneous Invoices 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.
8008	114351	March-09	City of Lodi v. Envision	6,470.17
Total				\$6,470.17

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323
11233.026	243589	03/25/09	Lodi First v. City of Lodi	12,248.20
11233.027	243589	03/25/09	Citizens for Open Gov't v. City of Lodi	450.00
Total				\$ 12,698.20

MISCELLANEOUS

Invoice No.	Date	Description	Water Account
5077	Dec-08	Tatro Tekosky Sadwick LLP	\$ 36,998.74
PL128540	Jan-09	Esquire Deposition Services	897.95
Total			\$ 37,896.69

FISCAL IMPACT: Expenses in the amount of \$12,698.20 will be paid out of the General Fund and billed to Wal-Mart for City's defense of the Lodi First and Citizens for Open Government litigation, the remaining expenses will be paid out of the Water Fund.

FUNDING AVAILABLE: 100351.7323 - \$12,698.20
184010.7323 - \$44,366.86

D. Stephen Schwabauer, City Attorney

APPROVED:
Blair King, City Manager