



**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 (\$221,408.56)

MEETING DATE: May 16, 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 \$212,127.91, and various other cases being held by Outside Counsel in the amount of \$9,280.65.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskovitz, Tiedemann & Girard; JAMS Mediation Service; and other miscellaneous vendors, 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. Amount
8002	101577	3/31/2007	People v M&P Investments	41,453.42
8003	101584	3/31/2007	Hartford Insurance Coverage Litigation	175,917.90
			Contingency Fee Amount Savings	-125,917.90
8008	101578	3/31/2007	City of Lodi v. Envision Law Group	78,008.47
	6675	1/31/2007	West Environmental(Peter Krasnoff)	24,942.01
	6760	2/28/2007	West Environmental(Peter Krasnoff)	3,792.50
		4/16/2007	Perry L. McCarty, Expert	450.00
Total				\$198,646.40

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323	1211.182
11233.001	232393	04/25/07	General Advice	599.76	
11233.026	232393		Lodi First v. City of Lodi	1,666.60	
11233.027	232393		Citizens for Open Govt.v.Col	133.50	
11233.029	232393		AT&T v. City of Lodi	4,934.86	
11233.032	232393		CFD Formation		1,945.93
Total				\$7,334.72	\$1,945.93

APPROVED: _____
Blair King, City Manager

JAMS Mediation Services

0001278713-110 3/30/2007 People v. M&P Investments

WaterAcct
5,500.00

Total

\$5,500.00

MISCELLANEOUS

Invoice No.	Date	Description	Water Account Amount
06-373888-LDK	Sept06-Apr07	ADR Services, Inc(Hartford v. COL)	2,553.13
325946	1/17/2007	Barkley Court Reporters	843.31
870701	4/12/2007	Harry A. Cannon, Inc.	1,149.27
68051ESF	1/22/2007	Esquire Deposition Services	821.30
20062587	3/30/2007	Legalink, Inc.	367.00
20063722	4/17/2007	Legalink, Inc.	679.00
20063740	4/18/2007	Legalink, Inc.	688.50
20063754	4/27/2007	Legalink, Inc.	880.00
Total			\$7,981.51

FISCAL IMPACT: Expenses in the amount of \$7,334.72 will be paid out of the General Fund with \$1,800.10 of that amount billed to Walmart for City's defense of the Citizens for Open Government v. City of Lodi and Lodi First v. City of Lodi litigation. The remaining expenses will be paid out of the Water Fund and the Capital Outlay Fund.

FUNDING AVAILABLE:

Water Fund	\$212,127.91
General Fund	\$ 7,334.72
Capital Outlay Fund	\$ 1,945.93

Approved:

Approved:

Kirk Evans, Budget Manager

Stephen Schwabauer, City Attorney