



CITY OF LODI
COUNCIL COMMUNICATION

TM

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 (\$374,507.03).

MEETING DATE: July 18, 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 \$368,833.11, and various other cases being handled by Outside Counsel in the amount of \$5,673.92.

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				Water Acct.
Matter No.	Invoice No.	Date	Description	Amount
8001	102105	Apr-07	General Advice/Environmental Contam.	402.22
8002	102106	Apr-07	People v M&P Investments	10,606.64
8003	102108	Apr-07	Hartford Insurance Coverage Litigation	207,048.19
			Contingency Fee Amount Savings	(147,180.00)
8008	102107	Apr-07	City of Lodi v. Envision Law Group	61,969.23
8002	102725	May-07	People v M&P Investments	8,768.58
8003	102831	May-07	Hartford Insurance Coverage Litigation	229,494.83
			Contingency Fee Amount Savings	(172,310.00)
8008	102830	May-07	City of Lodi v. Envision Law Group	83,972.63
			City Attorney Adjustment	(352.00)
	266427	May-07	GeoTrans, Inc. (Jim Mercer)	2,980.00
		May-07	Clinton E. Miller (Expert)	12,003.39
			CM Apprvd. Pymt to Expert 6-22-07	(12,003.39)
		Jun-07	Clinton E. Miller (Expert)	2,652.00
	14890	Apr-June-07	PES Environmental, Inc. (Keith O'Brien)	11,192.08
	272549	05/28-07/01/2007	GeoTrans, Inc. (Jim Mercer)	5,044.00
			Total	\$304,288.40

APPROVED: _____

Blair King, City Manager

Kronick Moskowitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323	1211.182	Water Acct.
11233.001	232738	05/25/07	General Advice	105.50		
11233.026	232738	05/25/07	Lodi First v. City of Lodi	364.05		
11233.029	232738	05/25/07	AT&T v. City of Lodi	866.35		
11233.030	232738	05/25/07	Water Supply Issues-Not Pce Related			1,525.55
11233.032	232738	05/25/07	CFD Formation		566.24	
			Credits/Overpayments Applied	(105.50)		
11233.029	233230	06/25/07	AT&T v. City of Lodi	1,375.13		
11233.030	233230	06/25/07	Water Supply Issues-Not Pce Related			587.50
11233.032	233230	06/25/07	CFD Formation		144.10	
11233.034	233230	06/25/07	Employment and Labor	245.00		
Total				<u>\$2,850.53</u>	<u>\$710.34</u>	<u>\$2,113.05</u>

JAMS Mediation Services

Invoice No.	Date	Description	WaterAcct
0001302222-110	5/31/2007	People v. M&P Investments	<u>2,016.67</u>
Total			\$2,016.67

MISCELLANEOUS

Invoice No.	Date	Description	Water Account Amount
20065328	6/7/2007	Legalink, Inc.	284.25
20064828	5/24/2007	Legalink, Inc.	800.75
20064647	5/18/2007	Legalink, Inc.	906.00
20065305	5/25/2007	Legalink, Inc.	758.50
20064855	5/25/2007	Legalink, Inc.	970.50
20065211	6/5/2007	Legalink, Inc.	1,003.00
20065214	6/5/2007	Legalink, Inc.	1,093.00
07SF61474A	6/14/2007	Document Services Unlimited	2,191.50
07SF70508A	7/5/2007	Document Services Unlimited	237.70
Total			<u>\$8,245.20</u>

Folger Levin & Kahn - Invoices

Invoice No.	Date	Description	Water Acct. Amount
Payment of Unpaid Costs re:			
Hartford v. City of Lodi			
Pursuant to Contingency Fee Agreement			
100827	03/22/07	Costs for February 2007	5,762.50
101584	04/26/07	Costs for March 2007	6,112.90
102108	05/31/07	Costs for April 2007	<u>9,868.19</u>
Total			<u>\$21,743.59</u>

Folger Levin & Kahn Water Acct.

Matter#	Invoice #	Date	Amount
Withheld Amounts from Previous Invoices			
8008	10826	02/28/07	\$281.00
8002	100362	01/31/07	700.00
8003	100361	01/22/07	38.50
			220.00
8002	100000	01/31/07	650.00
		01/31/07	650.00
		1/31/2007	650.00
8003	100001	01/31/07	1,623.50
8003	99380	02/28/07	8,000.00
8002	98563	11/16/06	487.50
			82.25
8003	98489	11/16/06	36.50
			235.00
8002	97985	10/19/06	3,440.00
8003	97988		470.00
			470.00
			240.00
8008			470.00
8002	97311	09/14/06	650.00
8003			5,000.00
8008	97312	08/31/06	560.00
8002		08/17/06	650.00
8003			500.00
			600.00
			150.00
			705.00
			235.00
8002		07/25/06	325.00
			650.00
			650.00
			325.00
			650.00
8003			325.00
			97.50
8002		06/27/06	97.50
8003		06/27/06	650.00
8002		05/11/06	975.00

\$32,539.25

FISCAL IMPACT: Expenses in the amount of \$2,850.53 will be paid out of the General Fund and \$364.05 billed to Walmart for City's defense of the Lodi First litigation. The remaining expenses will be paid out of the Water Fund and the Capital Outlay Fund.

FUNDING AVAILABLE:	Water Fund	\$370,946.16
	General Fund	\$ 2,850.53
	Capital Outlay Fund (1211.182)	\$ 710.34

Approved: _____
Kirk Evans, Budget Manager

Approved: _____
Stephen Schwabauer, City Attorney