



**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 (\$195,434.92).

MEETING DATE: December 19, 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 \$190,675.20, and various other cases being handled by Outside Counsel in the amount of \$4,759.72.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn 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. Amount
8002	105294	09/30/07	M & P Investments	10,414.28
8002	105543	10/01/07	M & P Investments	41,513.87
	105298	11/26/07	Carol Langford, Expert Witness Retainer Processed 11/28/07	5,500.00 (5,500.00)
	7490	09/30/07	West Environmental Services	1,852.50
8001	105636	11/30/07	General Advice	1,243.08
8002	105619	11/30/07	M & P Investments	13,827.73
8003	105620	11/30/07	Hartford v. Col	805.90
8008	105621	11/30/07	Col v. Envision	120,720.06
			Less	(240.00)
			Total	\$190,137.42

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323
11233.001	235946	11/25/07	General Advice	31.80
11233.026	235946	11/25/07	Lodi First v. City of Lodi	1,873.00
11233.027	235946	11/25/07	Citizens for Open Government v.	2,845.75
11233.028	235946	11/25/07	Personnel and Employment Credits/Overpayments	131.68 -122.51
			Total	4,759.72

APPROVED: _____
Blair King, City Manager

MISCELLANEOUS

Invoice No.	Date	Description	Water Account Amount
SF-000026	7/11/2007	Capitol-San Francisco, LLC	537.78

FISCAL IMPACT: Expenses in the amount of \$4,759.72 will be paid out of the General Fund and \$4,718.75 billed to Walmart for City's defense of the Lodi First litigation and Citizens for an Open Government. The remaining expenses will be paid out of the Water Fund.

FUNDING AVAILABLE: Water Fund \$190,675.20
General Fund \$ 4,759.72

Stephen Schwabauer, City Attorney

Approved: _____
Kirk Evans, Budget Manager

PCE/TCE Litigation
 6-Month Budget Recap (July - December 2007)

NOVEMBER

Matter	6-Month Budget	Opening Balance for 6-Month Budget	One Month Amount	Amount Billed November**	Variance from Monthly Amount	Remainder 6-Month Budget	Cumulative Billed In 6-Mo. Budget Period
M&P, Related Cases includes matters 8001, 8002, 8005	\$ 513,000	\$ 448,785	\$ 85,500	\$15,071	-\$70,429	\$ 433,714	\$79,286
Hartford Action 8003	\$ 300,000	\$ 123,195	\$ 50,000	\$806	-\$49,194	\$ 122,390	\$177,610
Envision Claims 8008	\$ 670,000	\$ 498,230	\$ 111,667	\$120,720	\$9,053	\$ 377,510	\$292,490
Totals	\$ 1,483,000	\$1,070,210	\$ 247,167	\$136,597	-\$110,570	\$933,613	\$549,387

**Invoices dated December 6, 2007 for period November 1 through November 30, 2007.

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