

Date..... March 20, 2006

**RESOLUTION APPROVING PAYMENT OF BILLINGS FROM
THE TISHLER & WALD, LTD. AND THE BARNES & THORNBURG, LLP LAW FIRMS
RETAINED TO REPRESENT THE CITY IN THE UAL CORPORATION AND
ATA HOLDINGS CORP. BANKRUPTCIES**

WHEREAS, on September 20, 1993, by Roll Call No. 93-3490, the Des Moines City Council approved Ordinance 12,040 assigning certain rights and responsibilities pertaining to the Airport to the Des Moines International Airport Board; and

WHEREAS, Section 2-362.09 of the Municipal Code provides that the City shall utilize services of the city, including but not limited to, aviation services, (including airfield, building, ground, operation and maintenance services), engineering services, personnel services, legal services, accounting services, payroll services, property acquisition services, public improvement design services, contract procurement and administrative services, purchasing services, financial services, fire services (excluding priority Aircraft Rescue and Fire Fighting Services), police services and general administration services, to administer, operate and maintain the airport, provided however, that if the board and city manager jointly agree that the city cannot provide the expertise, extra-ordinary effort, or special resources required for a particular project, the board may acquire and utilize outside services to accomplish such project; and

WHEREAS, the Legal Department recommended that outside counsel be retained to represent the City in the UAL Corporation, ATA Holdings, Corp., Delta Air Lines, Inc., et al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. bankruptcies; and

WHEREAS, the Airport Board authorized the hiring of William Jenkins and the law firm of Myers & Jenkins to represent the City of Des Moines in the UAL Corporation bankruptcy by Resolution No. A02-276, and further authorized the City Attorney to retain local counsel in Illinois, authorized the hiring of William Jenkins and the law firm of Myers & Jenkins to represent the City of Des Moines in the ATA Holdings Corp. bankruptcy by Resolution No. A04-221, and further authorized the City Attorney to retain local counsel in Indiana; authorized the hiring of Williams Jenkins and the law firm of Myers & Jenkins to represent the City of Des Moines in the Delta Air Lines, Inc., et. al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. bankruptcies by Resolution No. A-05-253 and approved correction of the hourly rate by Resolution No. A-05-294; and

WHEREAS, the Tishler & Wald, Ltd. law firm was retained as local counsel for the UAL Corporation bankruptcy and the Barnes & Thornburg, LLP law firm was retained as local counsel for the ATA Holdings Corp. bankruptcy; and

37

Date March 20, 2006

-2-


WHEREAS, a billing has been received from Tishler & Wald, Ltd. in the amount of \$652.00 through January, 2006, and a billing has been received from Barnes & Thornburg, LLP in the amount of \$337.23 through January, 2006; and

WHEREAS, the Legal Department has reviewed the billings and recommends payment.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that it hereby approves the payment of \$652.00 to Tishler & Wald, Ltd., and payment of \$337.23 to Barnes & Thornburg, LLP and authorizes the Finance Department to submit payment for the invoices.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Kathleen Vanderpool
 Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

37

TISHLER & WALD, LTD.
Suite 3000
200 South Wacker Drive
Chicago, Illinois 60606

FEBRUARY 08, 2006
REF NO. 150413

3897 101 ADK
City of Des Moines, Dept of Aviatio Chapter 11 Collection/UAL
c/o Scott Jenkins Meyers & Jenki
3003 N. Central Ave, Ste 1900
Phoenix, AZ 85012

LANCE BROUGHT FORWARD		\$	441.88
/02/06 Payment			202.88-
TOTAL BALANCE BROUGHT FORWARD		\$	<u>239.00</u>

SERVICES RENDERED

/04/06 ADK Telephone Conf with UAL attorney re: lease; LD	.60		204.00
phone conference Scott Jenkins re: cure amount.			
/06/06 ADK LD Phone Conf With Scott Jenkins; review cure	1.20		408.00
calculation; draft withdrawal of objection; telephone conference UAL attorney.			
TOTAL SERVICES RENDERED	<u>1.80</u>	\$	<u>612.00</u>

DISBURSEMENTS

/09/06 Facsimile			40.00
TOTAL DISBURSEMENTS		\$	<u>40.00</u>
TOTAL NEW CHARGES		\$	<u>652.00</u>
TOTAL BALANCE DUE		\$	<u><u>891.00</u></u>

CAP OF FEES BILLED

Alexander D. Kerr, Jr.	1.80 Hrs	340.00/Hr	612.00
TOTAL	<u>1.80 Hrs</u>		\$ <u>612.00</u>

BARNES & THORNBURG LLP

11 SOUTH MERIDIAN STREET
INDIANAPOLIS, INDIANA 46204-3535 U.S.A.
E.I.N. 35-0900596

37

CITY OF DES MOINES, IOWA
JASE STEINBERG, ESQ.
MYERS & JENKINS, P.C.
3003 N. CENTRAL AVENUE
SUITE 1900
PHOENIX, AZ 85012

February 24, 2006
Invoice No. 980197

PAYABLE UPON RECEIPT

00038589-000001
ATA HOLDINGS CORP

For legal services rendered in connection with
the above matter through the month of January 2006
as described on the attached summary.

	\$285.00
Other Charges	52.23
	<hr/>
TOTAL DUE THIS STATEMENT	\$337.23

00038589-000001 CITY OF DES MOINES, IOWA
ATA HOLDINGS CORP

01/03/06	W. Brewer	Prepared for and attended pretrial hearing on objection to City's admin claim (time shared with 1 other client); drafted correspondence to client summarizing hearing and upcoming deadlines.	.70
01/20/06	W. Brewer	Received and reviewed response of City of Des Moines to C8 Objection and authorized filing of same.	.20
01/29/06	W. Brewer	Reviewed docket for matters of interest to client and drafted correspondence to lead counsel with copy of proposed confirmation hearing agenda.	.10

Copying Charges	48.15
Pacer Court Filing System Charges	4.08