

.....
Date..... May 8, 2006

RESOLUTION APPROVING PAYMENT OF BILLINGS FROM THE MYERS & JENKINS LAW FIRM 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 PAYMENT OF A BILLING FROM BARNES & THORNBURG, LLP LAW FIRM RETAINED TO REPRESENT THE CITY IN THE ATA HOLDINGS CORP. BANKRUPTCY

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

★ **Roll Call Number**

Agenda Item Number

16

Date May 8, 2006

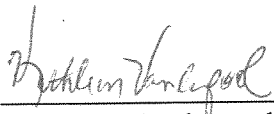
WHEREAS, billings have been received from Myers & Jenkins in the amount of \$2,699.24 through April 21, 2006, and from Barnes & Thornburg, LLP in the amount of \$85.50 through February 2006; and

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 \$2,699.24 to the law firm of Myers & Jenkins and payment of \$85.50 to the law firm of Barnes & Thornburg 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				

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.

MOTION CARRIED

APPROVED

.....Mayor

City Clerk

STATEMENT

Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICES

Phoenix Corporate Center
3003 North Central Avenue
Suite 1900
Phoenix, Arizona 85012

Telephone: 602-200-7900
Facsimile: 602-200-7910
E-mail: ab@mjlegal.com
Federal Tax Id. 86-0476704

April 25, 2006

City of Des Moines
Legal Department
400 East First Street
Des Moines, IA 50309
Kathy Vanderpool

In Reference To: City of Des Moines re ATA (Chicago Express)

Account No. 4422-004

For Services Rendered Through April 21, 2006

Professional Services

	<u>Hours</u>	<u>Amount</u>
3/20/2006 BAK Print weekly docket;	0.10	9.50
3/27/2006 JS Receive and review letter from local counsel;	0.10	16.50
BAK Print weekly docket;	0.10	9.50
3/29/2006 WSJ Receive and review e-mail from Kathy Vanderpool;	0.20	45.00
Telephone conference with Kathy Vanderpool; Receive and review new pleadings;		
3/30/2006 WSJ Telephone conference with Kathy Vanderpool; Second Telephone conference with Kathy Vanderpool;	0.10	22.50
4/3/2006 BAK Print weekly docket;	0.10	9.50
4/10/2006 BAK Print weekly docket;	0.10	9.50
4/17/2006 BAK Print weekly docket;	0.10	9.50
	<hr/>	
For professional services rendered	0.90	\$131.50
Additional Charges :		
Fax Expense		4.00
Pacer - District Court Research		20.30
		<hr/>
Total costs		\$24.30
		<hr/>
Total amount of this bill		\$155.80

This Statement does not include charges for telephone calls or other expenses incurred during the period covered by this billing and not yet received by this office.

April 25, 2006
City of Des Moines
City of Des Moines re ATA

Page 2

	<u>Amount</u>
Previous balance	\$441.00
4/19/2006 Payment - Thank You. Check No. 188001	(\$441.00)
Total payments and adjustments	(\$441.00)
Balance due	<u>\$155.80</u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	0.30	225.00	\$67.50
Jase Steinberg	0.10	165.00	\$16.50
Beverly A. Kane	0.50	95.00	\$47.50

16

STATEMENT

Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICES

Phoenix Corporate Center
3003 North Central Avenue
Suite 1900
Phoenix, Arizona 85012

Telephone: 602-200-7900
Facsimile: 602-200-7910
E-mail: ab@mjlegal.com
Federal Tax Id. 86-0476704

April 25, 2006

City of Des Moines
Legal Department
400 East First Street
Des Moines, IA 50309
Kathy Vanderpool

In Reference To: Delta Airlines

Account No. 4422-005

For Services Rendered Through April 21, 2006

Professional Services

	<u>Hours</u>	<u>Amount</u>
2/22/2006 WSJ Review and revise Statement; Letter to Kathy Vanderpool;	0.10	22.50
3/20/2006 JS Review docket;	0.20	33.00
3/28/2006 JS Review docket;	0.20	33.00
4/3/2006 JS Review docket;	0.20	33.00
4/11/2006 JS Review docket;	0.10	16.50
4/17/2006 JS Review docket; Review Motion to Extend Rejection date;	0.20	33.00
	<hr/>	<hr/>
For professional services rendered	1.00	\$171.00

Additional Charges :

Pacer - District Court Research	21.30
Total costs	<hr/> \$21.30

Total amount of this bill \$192.30

Previous balance \$99.00

4/19/2006 Payment - Thank You. Check No. 188001 (\$99.00)

April 25, 2006
City of Des Moines
Delta Airlines

Page 2

	<u>Amount</u>
Total payments and adjustments	(\$99.00)
Balance due	<u>\$192.30</u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	0.10	225.00	\$22.50
Jase Steinberg	0.90	165.00	\$148.50

Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICESPhoenix Corporate Center
3003 North Central Avenue
Suite 1900
Phoenix, Arizona 85012Telephone: 602-200-7900
Facsimile: 602-200-7910
E-mail: ab@mjlegal.com
Federal Tax Id. 86-0476704

April 25, 2006

City of Des Moines
Legal Department
400 East First Street
Des Moines, IA 50309
Kathy Vanderpool

In Reference To: Mesaba

Account No. 4422-007

For Services Rendered Through April 21, 2006

Professional Services

	<u>Hours</u>	<u>Amount</u>
3/20/2006 JS Review docket;	0.10	16.50
3/28/2006 JS Review docket;	0.20	33.00
4/3/2006 JS Review docket;	0.10	16.50
4/6/2006 WSJ Telephone conference with David Ferrie (claim filed);	0.20	45.00
4/11/2006 JS Review docket;	0.10	16.50
4/17/2006 JS Review docket;	0.10	16.50
	<u>0.80</u>	<u>\$144.00</u>
For professional services rendered		
Additional Charges :		
Pacer - District Court Research		26.00
Total costs		<u>\$26.00</u>
Total amount of this bill		<u>\$170.00</u>
Previous balance		\$496.50
4/19/2006 Payment - Thank You. Check No. 188001		(\$496.50)
Total payments and adjustments		<u>(\$496.50)</u>

April 25, 2006
City of Des Moines
Mesaba

Page 2

	<u>Amount</u>
	<u> </u>
Balance due	<u>\$170.00</u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	0.20	225.00	\$45.00
Jase Steinberg	0.60	165.00	\$99.00

Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICESPhoenix Corporate Center
3003 North Central Avenue
Suite 1900
Phoenix, Arizona 85012Telephone: 602-200-7900
Facsimile: 602-200-7910
E-mail: ab@mjlegal.com
Federal Tax Id. 86-0476704

April 25, 2006

City of Des Moines
Legal Department
400 East First Street
Des Moines, IA 50309
Kathy Vanderpool

In Reference To: Northwest Airlines

Account No. 4422-006

For Services Rendered Through April 21, 2006

Professional Services

			<u>Hours</u>	<u>Amount</u>
3/20/2006	WSJ	Receive and review new pleadings;	0.10	22.50
	JS	Review docket;	0.10	16.50
3/23/2006	WSJ	Receive and review new pleadings; Revise statement;	0.40	90.00
3/24/2006	WSJ	Receive and review new pleadings;	0.30	67.50
3/28/2006	WSJ	Telephone conference with Kathy Vanderpool's office; Telephone conference with Kathy Vanderpool; E-mail from Kathy Vanderpool; Second e-mail to Kathy Vanderpool;	0.50	112.50
	JS	Review docket;	0.10	16.50
3/29/2006	WSJ	Receive and review e-mail from Kathy Vanderpool; Telephone conference with Kathy Vanderpool; Receive and review new pleadings	0.20	45.00
	JS	Research recoupment issue re prepetition debt and post petition overpayment; Conference with Mr. Jenkins re prepetition debt and post petition;	0.90	148.50
3/30/2006	WSJ	Telephone conference with Kathy Vanderpool; Second Telephone conference with Kathy Vanderpool;	0.10	22.50
4/3/2006	WSJ	Receive and review new pleadings;	0.10	22.50
	JS	Review docket;	0.20	33.00
4/4/2006	WSJ	Receive and review new pleadings;	0.10	22.50
4/5/2006	WSJ	Receive and review new pleadings;	0.10	22.50
4/7/2006	WSJ	Receive and review new pleadings;	0.10	22.50
4/11/2006	JS	Review docket;	0.10	16.50

April 25, 2006
 City of Des Moines
 Northwest Airlines

	<u>Hours</u>	<u>Amount</u>
4/12/2006 WSJ Receive and review new pleadings;	0.10	22.50
4/14/2006 WSJ Receive and review new pleadings;	0.10	22.50
4/17/2006 JS Review docket; Review Motion to Extend Rejection Deadline;	0.30	49.50
WSJ Receive and review new pleadings;	0.10	22.50
4/19/2006 WSJ Review E-mail from David Ferree; Telephone conference with David Ferree; Second E-mail from David Ferree;	0.50	112.50
4/20/2006 WSJ E-mail from David Ferree; E-mail from Kathy Vanderpool; Second E-mail from Kathy Vanderpool; Commence Revisions to Stipulation; Third E-mail from Kathy Vanderpool; Fifth E-mail from Kathy Vanderpool; Sixth E-mail from Kathy Vanderpool; Telephone conference with Kahty Vanderpool;	1.40	315.00
	<hr/>	<hr/>
For professional services rendered	5.90	\$1,225.50
Additional Charges :		
Fax Expense		7.50
Pacer - District Court Research		21.40
Westlaw - Computer Legal Research		468.64
Total costs		<hr/> \$497.54
		<hr/>
Total amount of this bill		\$1,723.04
Previous balance		\$597.00
4/19/2006 Payment - Thank You. Check No. 188001		(\$597.00)
		<hr/>
Total payments and adjustments		(\$597.00)
		<hr/>
Balance due		<hr/> <hr/> \$1,723.04

April 25, 2006
City of Des Moines
Northwest Airlines

Page 3

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	4.20	225.00	\$945.00
Jase Steinberg	1.70	165.00	\$280.50

Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICES

Phoenix Corporate Center
3003 North Central Avenue
Suite 1900
Phoenix, Arizona 85012

April 25, 2006

Telephone: 602-200-7900
Facsimile: 602-200-7910
E-mail: ab@mjlegal.com
Federal Tax Id. 86-0476704

City of Des Moines
Legal Department
400 East First Street
Des Moines, IA 50309
Kathy Vanderpool

In Reference To: United Airlines

Account No. 4422-003

For Services Rendered Through April 21, 2006

Professional Services

		<u>Hours</u>	<u>Amount</u>
3/20/2006	WSJ Receive and review new pleadings;	0.20	43.00
	BAK Print weekly docket;	0.20	18.00
3/23/2006	WSJ Revise statement; Receive and review new pleadings;	0.40	86.00
3/24/2006	WSJ Receive and review new pleadings; Letter to Kathy Vanderpool;	0.30	64.50
3/27/2006	BAK Print weekly docket;	0.20	18.00
3/28/2006	WSJ Receive and review new pleadings;	0.10	21.50
3/29/2006	WSJ Receive and review e-mail from Kathy Vanderpool; Telephone conference with Kathy Vanderpool; Receive and review new pleadings;	0.20	43.00
3/30/2006	WSJ Telephone conference with Kathy Vanderpool; Second Telephone conference with Kathy Vanderpool;	0.10	21.50
4/3/2006	BAK Print weekly docket;	0.20	18.00
4/4/2006	WSJ Receive and review new pleadings;	0.10	21.50
4/10/2006	BAK Print weekly docket;	0.20	18.00
4/12/2006	WSJ Receive and review new pleadings;	0.10	21.50
4/17/2006	BAK Print weekly docket;	0.20	18.00
	For professional services rendered	<u>2.50</u>	<u>\$412.50</u>

April 25, 2006
City of Des Moines
United Airlines

Page 2

Additional Charges :

	<u>Amount</u>
Fax Expense	1.00
Pacer - District Court Research	38.60
Photocopy Expense	<u>6.00</u>
Total costs	\$45.60
<hr/>	
Total amount of this bill	\$458.10
Previous balance	\$2,153.00
4/19/2006 Payment - Thank You. Check No. 188001	<u>(\$2,153.00)</u>
Total payments and adjustments	(\$2,153.00)
<hr/>	
Balance due	<u><u>\$458.10</u></u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	1.50	215.00	\$322.50
Beverly A. Kane	1.00	90.00	\$90.00

BARNES & THORNBURG LLP

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

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

March 16, 2006
Invoice No. 984082

PAYABLE UPON RECEIPT

00038589-000001
ATA HOLDINGS CORP

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

\$85.50

TOTAL DUE THIS STATEMENT

\$85.50

16

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

02/01/06	W. Brewer	Reviewed and analyzed docket for matters of interest to client and sent correspondence to lead counsel with copy of confirmation order entered and notice of appeal by NatTel; sent correspondence to client with disclosure statement filed in liquidation of Chicago Express.	.20
02/08/06	W. Brewer	Reviewed docket for matters of interest to client and sent correspondence and copy of Designation of Record and Issues on Appeal filed by NatTel to lead counsel.	.10