

Date July 28, 2008

WHEREAS, on November 19, 2007, by Roll Call No. 07-2206, the City Council of the City of Des Moines approved retention of Chester C. (Trip) Woodburn III of Hansen, McClintock & Riley for the purpose of enforcing a contract for insurance held by the City; and

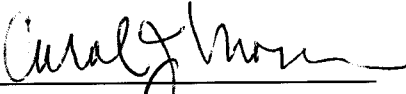
WHEREAS, the Hansen, McClintock & Riley law firm has submitted a billing in the amount of \$29,906.60 for services through June 4, 2008; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that it approves the payment of \$29,906.60 to the Hansen, McClintock & Riley law firm.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Carol J. Moser
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
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

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LAW OFFICES
HANSEN, MCCLINTOCK & RILEY

JOHN A. MCCLINTOCK
CHESTER C. WOODBURN III
WILLIAM D. SCHERLE
DAVID L. BROWN
JOHN E. SWANSON
AARON T. OLIVER
ALEXANDER E. WONIO
Email: info@hmlawfirm.com

EIGHTH FLOOR - FLEMING BUILDING
218 SIXTH AVENUE
DES MOINES, IOWA 50309-4092
www.hmlawfirm.com
515-244-2141

HAEMER WHEATCRAFT
(1904-1983)
J. RUDOLPH HANSEN
(1904-1995)
RONALD A. RILEY
(RETIRED)
FAX: 515-244-2931

July 10, 2008

Fed. Id. No. 42-0294627

City of Des Moines
Legal Department
400 Robert D. Ray Drive
Des Moines, IA 50309

Invoice No.: 6076
Billed: 01/01/2008 to 06/04/2008
HMR Client No.: CITYDE / 00000 CCW
Total Due This Invoice: \$29,906.60

Re: City of Des Moines v. General Reinsurance Corp. & Genesis Underwriting Management Co.
Breach of Contract/Denial of Coverage
Date of Loss: January 12, 2005

For Professional Services Rendered

Hours

Amount

			<u>Hours</u>	<u>Amount</u>
01/04/2008	CCW	Prepared exhibits and preparation of deposition of Cynthia Bennelli	7.10 hrs	887.50
01/07/2008	CCW	Preparation for Cynthia Bennelli testimony	7.00 hrs	875.00
01/08/2008	CCW	Revisions to the order of Presentation of Exhibits to Bannalli	7.30 hrs	912.50
01/10/2008	CCW	Preparation of deposition of Kathleen Gorom, (Assistant Vice President of Genesis Underwriting Mangament Company)	6.00 hrs	750.00
01/10/2008	CCW	Communication From Carol Moser re: December invoice charges	0.20 hrs	25.00
01/11/2008	CCW	Continued preparation for Kathleen Gorom deposition, assistant vice president of Genesis Underwriting Management Company	5.50 hrs	687.50
01/14/2008	CCW	Analysis strategy on order of depositions of Kathleen Gorom and Cynthia Bannelli; and order of presentation of exhibit at deposition; and review of Genesis relationship with General Reinsurance	5.80 hrs	725.00
01/14/2008	CCW	Preparation of deposition of Cynthia Bennelli	7.00 hrs	875.00
01/14/2008	CCW	Preparation for deposition of Cynthia Bennelli	7.00 hrs	875.00
01/16/2008	CCW	Preparation for deposition of Bob Jester	7.50 hrs	937.50
01/17/2008	CCW	Preparation of Deposition of Bob Jester and Kathleen Gorom	7.30 hrs	912.50
01/18/2008	CCW	Preparation for deposition of Richard Spiers (Second Vice President of Geneis Underwriting Management Company)	7.00 hrs	875.00
01/21/2008	CCW	Preparation for deposition of Captola Wade (Geneis Underwriting Mangament Company Assistant) and Sherry Nelson (Genesis Underwriting Management Company Accountant)	8.00 hrs	1,000.00
01/22/2008	CCW	Preparation for deposition of Wade and Sherry Nelson and Dennis	7.40 hrs	925.00

City of DM/General Reinsurance

Jacobs (Executive Director of Municipal Fire and Police Retirement System of Iowa)

01/23/2008	CCW	Review of documents of Beth Miller	1.00 hrs	125.00
01/23/2008	CCW	Preparation for deposition of Bob Jester	6.10 hrs	762.50
01/24/2008	CCW	Review of Insurance contract and research on Reinsurance	7.00 hrs	875.00
01/25/2008	CCW	Review of bad faith and fraud cases	7.40 hrs	925.00
01/28/2008	CCW	Letter to Patrick McNulty re: filing of Motion to Consolidate and service of Third-Party Petition	0.20 hrs	25.00
01/28/2008	CCW	Preparation of Motion to Consolidate	1.20 hrs	150.00
01/28/2008	CCW	Preparation of Answer; CounterClaim; Third-Party Petition and Jury Demand	3.30 hrs	412.50
02/04/2008	CCW	Preparation of Interrogatories to be answered by General Reinsurance	5.40 hrs	675.00
02/05/2008	CCW	Revisions to Counter Claim	1.20 hrs	150.00
02/05/2008	CCW	Preparation for deposition of Jeff Dillon, Assistant secretary for Genesis Underwriting Management Company	7.60 hrs	950.00
02/07/2008	CCW	Prepared Interrogatories to Defendant Genesis Underwriting Management Company	0.50 hrs	62.50
02/07/2008	CCW	Communication with Carol Moser re: Answer and Discovery	0.20 hrs	25.00
02/07/2008	CCW	Service of discovery on Pat McNulty	0.20 hrs	25.00
02/07/2008	CCW	Prepared Request for Production of Documents to Defendant Genesis Underwriting Management Company	0.50 hrs	62.50
02/07/2008	CCW	Prepared Request for Production of Documents to Defendant General Reinsurance Corporation	2.50 hrs	312.50
02/08/2008	CCW	Research of Reformation of Policy	5.10 hrs	637.50
02/11/2008	CCW	Continued research on Reformation and communication with Carol Moser re: Motion to Consolidate and equity count for Reformation of Policy	6.30 hrs	787.50
02/12/2008	CCW	Letter to Bob Jester re: requesting more documents	0.20 hrs	25.00
02/12/2008	CCW	Review of Genesis and Bob Jester correspondance	1.20 hrs	150.00
02/14/2008	CCW	Preparation of time line of significant events and review of no coverage letter vis-a-vis policy and quotes	7.20 hrs	900.00
02/15/2008	CCW	Preparation for testimony of Mark Schultz	3.70 hrs	462.50
02/15/2008	CCW	Review of Motion to Consolidate	0.20 hrs	25.00
02/15/2008	CCW	Review of documents from employers reinsurance company and city application.	4.00 hrs	500.00
02/15/2008	CCW	Review or Order for Continuance re: Motion to Consolidate	0.10 hrs	12.50
02/18/2008	CCW	Research General Reinsurance	3.60 hrs	450.00
02/19/2008	CCW	Research potential coverage under employees liability insurance rather than under work comp	7.00 hrs	875.00
02/20/2008	CCW	Analysis of conflict between General Reinsurance and Genesis re: joint defense or in consistent defense	7.00 hrs	875.00
02/25/2008	CCW	Review of case law re: negligent misrepresentation	6.80 hrs	850.00

Client/Matter No.: CITYDE 00000

Invoice # 6076

City of DM/General Reinsurance

02/26/2008	CCW	Research criminal case against General Reinsurance	7.40 hrs	925.00
02/29/2008	CCW	Research fairly debatable converge denial and overlapping of issues in bifurcating decision	6.20 hrs	775.00
02/29/2008	CCW	Review of letter from Pat McNulty re: Motion for Separate Trial	0.10 hrs	12.50
02/29/2008	CCW	Review of Motion for Separate Trial of Bad Faith Claim	0.50 hrs	62.50
03/03/2008	CCW	Review of letter from Pat McNulty re: requesting an additional 30 days to respond to discovery	0.10 hrs	12.50
03/03/2008	CCW	Review of case law cited in Motion of General Reinsurance	3.00 hrs	375.00
03/05/2008	CCW	Continued research on severance issue	6.20 hrs	775.00
03/06/2008	CCW	Review of letter from Pat McNulty re: extension on discovery	0.10 hrs	12.50
03/07/2008	CCW	Research re: recovery of attorney fees in case against Genesis	6.20 hrs	775.00
03/11/2008	CCW	Continued research on attorney fee issue	4.70 hrs	587.50
03/12/2008	CCW	To courthouse to have Judge Blink sign Order to move hearing date	0.80 hrs	100.00
03/12/2008	CCW	Prepared Motion to Continue Hearing Date	0.20 hrs	25.00
03/13/2008	CCW	Communication with Carol Moser re: Jester file, discovery status, attorney fee claim and depositions of Gorem and Bennelli	0.40 hrs	50.00
04/02/2008	CCW	Review of letter from Carol Moser re: documents from Bob Jester	0.10 hrs	12.50
04/02/2008	CCW	Review of additional documents produced by Jester	1.50 hrs	187.50
04/16/2008	CCW	Review of letter from Patrick McNulty re: exploring settlement possibilities	0.10 hrs	12.50
04/21/2008	CCW	Preparation for hearing on Motion to Consolidate and Motion for Separate trials	1.00 hrs	125.00
04/21/2008	CCW	Communication with Carol Moser re: McNulty's request for additional information	0.20 hrs	25.00
04/22/2008	CCW	To Courthouse for hearing on Motion to Consolidate	1.90 hrs	237.50
04/22/2008	CCW	Conference with Pat McNulty re: possible settlement	0.30 hrs	37.50
04/22/2008	CCW	Communication with Carol Moser re: Status	0.20 hrs	25.00
04/30/2008	CCW	Review of Order granting motion to consolidate	0.10 hrs	12.50
05/05/2008	CCW	Communication with Pat McNulty re: requesting discovery responses	0.20 hrs	25.00
05/12/2008	CCW	Conference with Pat McNulty re: status	0.30 hrs	37.50
05/12/2008	CCW	Review of Pleadings re: Attorney fee issue	0.50 hrs	62.50
05/13/2008	CCW	Communication with Carol Moser re: Settlement and meeting	0.20 hrs	25.00
05/13/2008	CCW	Research on attorney fee issue	4.80 hrs	600.00
05/21/2008	CCW	Preparation for meeting with Bruce Bergman, Mark Godwin and Carol Moser	0.80 hrs	100.00
05/22/2008	CCW	To City Hall for meeting with Legal Staff	2.20 hrs	275.00
06/04/2008	CCW	Conference with Carol Moser and City personnel re: handling of logistics claim and drafting letter accepting General Reinsurance's offer to accept indemnity with reservation of attorney fee claim	2.10 hrs	262.50

Total Fees:

\$29,900.00

Client/Matter No.: CITYDE 00000

Invoice # 6076

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City of DM/General Reinsurance

Disbursements

Amount

02/07/2008 Copying 66 @ \$.10 discovery
Total Disbursements:

6.60
\$6.60

Total Current Charges

\$29,906.60

Billing Summary

Timekeeper Summary

Hours

Rate

Amount

Partner Chester C. Woodburn III
Total Fees

239.20 \$125.00 /Hr
239.20 \$29,900.00
\$29,900.00

Disbursement Summary

Copying
Total Disbursements

6.60
\$6.60

Total Charges for This Bill

\$29,906.60