

Date..... December 4, 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**

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**

27

December 4, 2006

**Date**

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WHEREAS, billings have been received from Myers & Jenkins in the amount of \$1,636.68 through November 22, 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 \$1,636.68 to the law firm of Myers & Jenkins and authorizes the Finance Department to submit payment for the invoices.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

David Ferree  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
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

## Myers &amp; Jenkins

A PROFESSIONAL CORPORATION  
LAW OFFICES

27

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

November 27, 2006

Telephone: 602-200-7900  
Facsimile: 602-200-7910  
E-mail: [ab@mjlegal.com](mailto:ab@mjlegal.com)  
Federal Tax Id: 86-0476704City 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 November 22, 2006

## Professional Services

	<u>Hours</u>	<u>Amount</u>
10/23/2006 BAK Print weekly docket;	0.10	9.50
10/25/2006 WSJ Receive and review new pleadings;	0.20	45.00
10/30/2006 BAK Print weekly docket;	0.10	9.50
11/6/2006 BAK Print weekly docket;	0.10	9.50
11/13/2006 BAK Print weekly docket;	0.10	9.50
11/21/2006 BAK Print weekly docket;	0.20	19.00
	<u>0.80</u>	<u>\$102.00</u>

For professional services rendered

## Additional Charges :

H Overnight Mail Services	25.61
Westlaw - Computer Legal Research	<u>321.07</u>
Total costs	<u>\$346.68</u>

Total amount of this bill

\$448.68

Previous balance

\$1,278.49

10/30/2006 Payment - Thank You. Check No. 203550

(\$47.50)

11/27/2006 Payment - Thank You. Check No. 205681

(\$1,230.99)

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.

November 27, 2006  
City of Des Moines  
City of Des Moines re ATA

	<u>Amount</u>
Total payments and adjustments	(\$1,278.49)
Balance due	<u>\$448.68</u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	0.20	225.00	\$45.00
Beverly A. Kane	0.60	95.00	\$57.00

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STATEMENT

# Myers & Jenkins

A PROFESSIONAL CORPORATION  
LAW OFFICES

27

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](mailto:ab@mjlegal.com)  
Federal Tax Id. 86-0476709

November 27, 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 November 22, 2006

### Professional Services

	<u>Hours</u>	<u>Amount</u>
10/23/2006 JS Review docket;	0.20	33.00
10/30/2006 JS Review docket;	0.10	16.50
11/7/2006 JS Review docket;	0.10	16.50
11/13/2006 JS Review docket;	0.10	16.50
11/19/2006 WSJ E-mail to David Ferree;	0.10	22.50
11/20/2006 JS Check docket;	0.10	16.50
	<hr/>	<hr/>
For professional services rendered	0.70	\$121.50
		\$830.01
Previous balance		(\$223.61)
10/30/2006 Payment - Thank You. Check No. 203550		(\$606.40)
11/27/2006 Payment - Thank You. Check No. 205681		<hr/>
Total payments and adjustments		(\$830.01)
		<hr/>
Balance due		\$121.50
		<hr/>

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November 27, 2006  
City of Des Moines  
Delta Airlines

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	0.60	165.00	\$99.00

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office.

## STATEMENT

## Myers &amp; Jenkins

A PROFESSIONAL CORPORATION  
LAW OFFICES

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Phoenix 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

November 27, 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 November 22, 2006

## Professional Services

	<u>Hours</u>	<u>Amount</u>
10/23/2006 JS Review docket;	0.10	16.50
11/7/2006 JS Review docket;	0.10	16.50
11/13/2006 JS Review docket;	0.10	16.50
11/20/2006 JS Check docket;	0.10	16.50
	<u>0.40</u>	<u>\$66.00</u>
For professional services rendered		\$139.70
Previous balance		(\$66.00)
10/30/2006 Payment - Thank You, Check No. 203550		(\$73.70)
11/27/2006 Payment - Thank You, Check No. 205681		<u>(\$139.70)</u>
Total payments and adjustments		<u>\$66.00</u>
Balance due		<u>\$66.00</u>

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November 27, 2006  
City of Des Moines  
Mesaba

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Jase Steinberg	0.40	165.00	\$66.00

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office.



## Myers &amp; Jenkins

A PROFESSIONAL CORPORATION  
LAW OFFICESPhoenix Corporate Center  
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November 27, 2006

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E-mail: [aj@mylegal.com](mailto:aj@mylegal.com)  
Federal Tax Id: 86-0476704

27

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 November 22, 2006

## Professional Services

			<u>Hours</u>	<u>Amount</u>
10/23/2006	WSJ	Receive and review new pleadings;	0.10	22.50
	JS	Review docket;	0.10	16.50
10/24/2006	WSJ	Receive and review new pleadings;	0.10	22.50
10/27/2006	WSJ	Receive and review new pleadings;	0.10	22.50
10/30/2006	WSJ	Conference with Mr. Steinberg;	0.10	22.50
	JS	Review docket; Conference with Mr. Jenkins; Letter to David Ferree;	0.30	49.50
	JS	Review docket;	0.10	16.50
10/31/2006	WSJ	Receive and review new pleadings;	0.20	45.00
11/2/2006	WSJ	E-mail from David Ferree; Conference with Mr. Steinberg; E-mail from Mr. Steinberg; Telephone conference with David Ferree's office; Second Conference with Mr. Steinberg; E-mail to David Ferree;	0.60	135.00
	JS	Conference with Mr. Jenkins; Telephone call to Consortium counsel; Review docket for Objections to Motion for Post Position Financing Agreement with Boeing; Receive and review various correspondence between; Consortium counsel and Debtor regarding passenger facilities charges;	0.70	115.50
11/3/2006	JS	Receive and review E-mail correspondence from Consortium of Airports counsel;	0.10	16.50
11/7/2006	JS	Review docket;	0.20	33.00
11/13/2006	WSJ	E-mail from David Ferree; E-mail to David Ferree;	0.50	112.50

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November 27, 2006  
 City of Des Moines  
 Northwest Airlines

	<u>Hours</u>	<u>Amount</u>
11/13/2006 JS Review docket;	0.10	16.50
11/15/2006 WSJ Receive and review new pleadings;	0.20	45.00
11/16/2006 WSJ Receive and review new pleadings;	0.10	22.50
11/17/2006 WSJ Receive and review new pleadings;	0.10	22.50
11/20/2006 WSJ Receive and review new pleadings;	0.10	22.50
JS Check docket;	0.10	16.50
11/22/2006 WSJ Receive and review new pleadings;	0.10	22.50
	<u>4.00</u>	<u>\$798.00</u>
For professional services rendered		
Additional Charges :		
Fax Expense		0.50
Total costs		<u>\$0.50</u>
Total amount of this bill		\$798.50
Previous balance		\$1,191.87
10/30/2006 Payment - Thank You. Check No. 203550		(\$551.37)
10/30/2006 Write Off		(\$210.00)
11/27/2006 Payment - Thank You. Check No. 205681		(\$370.50)
Total payments and adjustments		<u>(\$1,191.87)</u>
Balance due		<u>\$798.50</u>

**Timekeeper Summary**

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	2.30	225.00	\$517.50
Jase Steinberg	1.70	165.00	\$280.50

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**Myers & Jenkins**A PROFESSIONAL CORPORATION  
LAW OFFICES

27

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Suite 1900  
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November 27, 2006

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E-mail: ab@mjlegal.com  
Federal Tax Id: 86-0476704City 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 November 22, 2006

## Professional Services

	Hours	Amount
9/6/2006 WSJ Telephone conference with David Ferree;	0.20	43.00
10/23/2006 BAK Print weekly docket;	0.20	18.00
10/25/2006 JS Voice mail to Debtor's Counsel;	0.10	17.00
10/30/2006 BAK Print weekly docket;	0.20	18.00
11/2/2006 JS E-mail correspondence with local Counsel; Check docket for Cure Claim Hearing minutes and order;	0.30	51.00
11/6/2006 BAK Print weekly docket;	0.20	18.00
11/13/2006 BAK Print weekly docket;	0.20	18.00
11/21/2006 BAK Print weekly docket;	0.20	18.00
For professional services rendered	1.60	\$201.00
Additional Charges :		
Fax Expense		1.00
Total costs		\$1.00
Total amount of this bill		\$202.00
Previous balance		\$1,304.90
10/30/2006 Payment - Thank You. Check No. 203550		(\$90.00)

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November 27, 2006  
City of Des Moines  
United Airlines

11/27/2006 Payment - Thank You. Check No. 205681

Total payments and adjustments

Balance due

<u>Amount</u>
<u>(\$1,214.90)</u>
<u>(\$1,304.90)</u>
<u>\$202.00</u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	0.20	215.00	\$43.00
Jase Steinberg	0.40	170.00	\$68.00
Beverly A. Kane	1.00	90.00	\$90.00

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