

★ **Roll Call Number**

Agenda Item Number

31

Date March 24, 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 \$23,312.50 for services through December 31, 2007; 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 \$23,312.50 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				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DJANE 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

31

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@hmrllawfirm.com

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

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

February 29, 2008

Fed. Id. No. 42-0294627

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

Invoice No.: 5689
Billed: 10/01/2007 to 12/31/2007
HMR Client No.: CITYDE / 00000 CCW
Total Due This Invoice: \$23,312.50

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>
10/16/2007	CCW	Review of letter and voluminous record from Carol Moser and Des Moines Documents re: General Reinsurance denial of coverage	6.50 hrs	812.50
10/17/2007	CCW	Research on Reinsurance and specific excess policies and General Re and Genesis	7.60 hrs	950.00
10/18/2007	CCW	Research law re: insurance and reinsurance contracts and review of Chapter 85 and 410-411 of the Code of Iowa	6.80 hrs	850.00
10/19/2007	CCW	Preparation of outline of documents and research Breach of Contract casts	6.70 hrs	837.50
10/22/2007	CCW	Preparation of Statement of Facts Common to all counts of Petition	7.60 hrs	950.00
10/23/2007	CCW	Revision to Statement of Facts for Petition	7.30 hrs	912.50
10/24/2007	CCW	Research effect of Binder of Insurance by Agent	7.10 hrs	887.50
10/25/2007	CCW	Continued binder research and review of causes re: acceptance of Premium	7.20 hrs	900.00
10/26/2007	CCW	Research fraud cases and reasonable expectation cases	7.30 hrs	912.50
10/29/2007	CCW	Research Bad Faith and negligent re: presentation cases	7.00 hrs	875.00
10/30/2007	CCW	Revisions to Petition	7.70 hrs	962.50
10/31/2007	CCW	Continued revisions to Petition	7.50 hrs	937.50
10/31/2007	CCW	Letter to Carol Moser re: Petition	0.20 hrs	25.00
11/01/2007	CCW	To City Hall for conference with Carl Moser and Mark Shutz	1.50 hrs	187.50
11/01/2007	CCW	Preparation of witness list with areas of knowledge and research	6.40 hrs	800.00

City of DM/General Reinsurance

Date	Case	Description	Hours	Amount
		jury question on construction of contract		
11/02/2007	CCW	Review in detail Banelli no coverage letter and preparation of discovery to Plaintiffs	5.60 hrs	700.00
11/05/2007	CCW	Organized exhibits from information received from Des Moines and preparation of discovery for Genesis and General Reinsurance	6.70 hrs	837.50
11/07/2007	CCW	Preparation of proof of facts	4.20 hrs	525.00
11/07/2007	CCW	Communication with Carol Moser re: additional invoice costs on Curly Ware and Jester meeting work on discovery and proof of facts	4.20 hrs	525.00
11/07/2007	CCW	Review of Additional Documents from the City of Des Moines	0.50 hrs	62.50
11/08/2007	CCW	Preparation for meeting with Jester	4.60 hrs	575.00
11/09/2007	CCW	Review of case law re: Chapter 410 & 411 medical benefits	3.80 hrs	475.00
11/12/2007	CCW	Review of notes in preparation for meeting with Jester	4.10 hrs	512.50
11/13/2007	CCW	Meeting with Carol Moser and Bob Jester and researched assessment of Genesis and Agent for Des Moines vis-a-vis General Reinsurance	4.60 hrs	575.00
11/15/2007	CCW	Conference with Pat McNulty, attorney for General Re and Genesis re: acceptance of service and verbal notification for Pat regarding his Petition	0.20 hrs	25.00
11/15/2007	CCW	Request for copy and advising that service of process probably not necessary	0.20 hrs	25.00
11/16/2007	CCW	Preparation of Original Notice	0.10 hrs	12.50
11/16/2007	CCW	Preparation of Confidential Information Form	0.10 hrs	12.50
11/16/2007	CCW	Completed Petition at Law and Jury Demand	0.50 hrs	62.50
11/16/2007	CCW	Letter to Pat McNulty re: Petition	0.10 hrs	12.50
11/19/2007	CCW	Review of Petition for Declaratory Judgment	1.00 hrs	125.00
11/19/2007	CCW	Conference with Bob Jester re: copies of his files	0.20 hrs	25.00
11/19/2007	CCW	Correspondence to Carol Moser re: General Reinsurance's Petition	0.20 hrs	25.00
11/20/2007	CCW	Review of notes re: Mark Schultz's involvement and additional documents obtained from Mark	1.10 hrs	137.50
11/20/2007	CCW	Research re: counterclaim and/or Motion to Consolidate	4.40 hrs	550.00
11/21/2007	CCW	Preparation of Answer to Petition and initial review of Bob Jester's documents	6.40 hrs	800.00
11/21/2007	CCW	Conference with Pat McNulty re: acceptance of service and joint representation	0.50 hrs	62.50
11/21/2007	CCW	Review of letter from Carol Moser re: additional information	0.10 hrs	12.50
11/21/2007	CCW	Review of information sent from the City of Des Moines	1.50 hrs	187.50
11/23/2007	CCW	Research re: Ethical considerations of contract in ex-parte former employee of Genesis	6.80 hrs	850.00
11/26/2007	CCW	Research duty of agent to obtain coverage requested	4.30 hrs	537.50
11/27/2007	CCW	Bad Faith research on issue of charging and non-return of Premium	5.40 hrs	675.00
11/28/2007	CCW	Selection and compilation of deposition exhibits	6.80 hrs	850.00
11/29/2007	CCW	Review of materials and analysis of case re: filing counter claim with Answer to Petition of Genesis and General Reinsurance re:	4.80 hrs	600.00

Client/Matter No.: CITYDE 00000

Invoice # 5689

31

City of DM/General Reinsurance

vis-a-via Motion to Consolidate

11/30/2007	CCW	Legal and factual analysis and preparation of Counter Claim, Third Party Petition and Motion to Consolidate	4.70 hrs	587.50
12/10/2007	CCW	Review of additional information from Carol Moser and request for additional copy of Declaratory Action	0.20 hrs	25.00
12/12/2007	CCW	Revisions of proposed Answer to Petition, Counter Claim and Motion to Consolidate	3.20 hrs	400.00
12/12/2007	CCW	Correspondence to Carol Moser re: Declaratory Action	0.20 hrs	25.00
Total Fees:				\$23,212.50

Disbursements

Amount

11/15/2007	Polk County Clerk of Court; Invoice # 11/16/07 General Reinsurance Filing fee	100.00
Total Disbursements:		\$100.00

Total Current Charges

\$23,312.50

Billing Summary

Timekeeper Summary

Hours

Rate

Amount

Partner	Chester C. Woodburn III	185.70	\$125.00 /Hr	\$23,212.50
Total Fees		<u>185.70</u>		<u>\$23,212.50</u>

Disbursement Summary

Court fees	100.00
Total Disbursements	\$100.00

Total Charges for This Bill

\$23,312.50