

.....
Date..... May 7, 2007

**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

35

Date May 7, 2007

WHEREAS, billings have been received from Myers & Jenkins in the amount of \$4,278.81 through April 20, 2007; 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 \$4,278.81 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				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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 & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICES

35

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 24, 2007

City of Des Moines
Mr. David Ferree
Legal Department
400 East First Street
Des Moines, IA 50309

In Reference To: Mesaba

Account No. 4422-007

For Services Rendered Through April 20, 2007

		<u>Hours</u>	<u>Amount</u>
3/7/2007	WSJ Conference with Mr. Steinberg;	0.10	22.50
3/26/2007	JS Review docket;	0.10	16.50
4/2/2007	JS Review docket;	0.10	16.50
4/9/2007	JS Review docket;	0.10	16.50
4/10/2007	WSJ Conference with Mr. Steinberg;	0.10	22.50
	JS E-mail to David Ferree; Conference with Mr. Jenkins; Voice mail to Debtor's counsel; E-mail to Debtor's counsel;	0.60	99.00
4/11/2007	WSJ Conference with Mr. Steinberg;	0.10	22.50
	JS Receive E-mail from Debtor's counsel; Conference with Mr. Jenkins; Review telecommunications lease; E-mail to Debtor's counsel;	0.80	132.00
4/12/2007	JS Receive and review E-mail from Debtor's counsel; Conference with Mr. Jenkins; E-mail correspondence with David Ferree; E-mail correspondence with Debtor's counsel;	0.50	82.50
	WSJ Conference with Mr. Steinberg;	0.10	22.50
4/16/2007	JS Review docket;	0.10	16.50
	For professional services rendered	<u>2.70</u>	<u>\$469.50</u>

April 24, 2007

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City of Des Moines

Mesaba

Additional Charges :

	<u>Amount</u>
Westlaw - Computer Legal Research	<u>962.19</u>
Subtotal of charges	\$962.19
Miscellaneous Adjustments	<u>(\$400.00)</u>
Total costs	\$562.19
<hr/>	
Total amount of this bill	\$1,031.69
Previous balance	\$1,820.00
3/27/2007 Payment - Thank You. Check No. 213976	<u>(\$914.00)</u>
Total payments and adjustments	(\$914.00)
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Balance due	<u><u>\$1,937.69</u></u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	0.40	225.00	\$90.00
Jase Steinberg	2.30	165.00	\$379.50

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120+ Days</u>
\$1,031.69	\$906.00	\$0.00	\$0.00	\$0.00

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.

Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICES

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

April 24, 2007

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

City of Des Moines
Mr. David Ferree
Legal Department
400 East First Street
Des Moines, IA 50309

In Reference To: Northwest Airlines

Account No. 4422-006

For Services Rendered Through April 20, 2007

			<u>Hours</u>	<u>Amount</u>
3/2/2007	WSJ	Receive and review new pleadings; E-mail from Jack Phillips; Second E-mail from Jack Phillips; Third E-mail from Jack Phillips;	0.90	202.50
3/7/2007	WSJ	Receive and review new pleadings;	0.20	45.00
3/8/2007	WSJ	Receive and review new pleadings;	0.20	45.00
3/20/2007	WSJ	Receive and review new pleadings;	0.10	22.50
3/22/2007	WSJ	Receive and review new pleadings;	0.30	67.50
3/23/2007	JS	E-mail to Consortium counsel; Conferences (2) with Mr. Jenkins;	0.40	66.00
	WSJ	Receive and review new pleadings; Two (2) Conference with Mr. Steinberg re Proof of Claim;	0.20	45.00
3/26/2007	WSJ	Receive and review new pleadings; Conference with Mr. Steinberg;	0.30	67.50
	JS	Telephone call to Clerk of Court; Telephone call to Claims docketing Agent; Search Claims docket; E-mail to consortium counsel; Check docket; Review various Creditor Objections to Debtor's Plan; Review Debtor's Ominbus Response to Objections; Conference with Mr. Jenkins;	1.00	165.00
3/27/2007	WSJ	Receive and review new pleadings;	0.60	135.00
3/30/2007	WSJ	Receive and review new pleadings;	0.40	90.00
4/2/2007	JS	Review and Modify Assumption Agreement; Conference with Mr. Jenkins; Check docket; Review Terminal Lease; E-mail to David Ferree;	1.20	198.00

April 24, 2007

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City of Des Moines

Northwest Airlines

			<u>Hours</u>	<u>Amount</u>
4/2/2007	WSJ	Receive and review new pleadings; Review Assumption Agreement; Conference with Mr. Steinberg;	0.60	135.00
4/3/2007	WSJ	Receive and review new pleadings;	0.20	45.00
4/4/2007	WSJ	Receive and review new pleadings;	0.20	45.00
4/5/2007	JS	E-mail to David Ferree; Receive and review revised Assumption Agreement; E-mail to Debtor's counsel;	0.70	115.50
	WSJ	Receive and review new pleadings;	0.10	22.50
4/9/2007	JS	Review Amended Disclosure Statement and Plan; Review docket;	0.50	82.50
	WSJ	Receive and review new pleadings; Conference with Mr. Steinberg re his review of latest amended plan and disclosure statement;	0.40	90.00
4/10/2007	WSJ	Receive and review new pleadings;	0.20	45.00
4/11/2007	WSJ	Receive and review new pleadings;	0.20	45.00
4/12/2007	WSJ	Receive and review new pleadings;	0.20	45.00
4/13/2007	WSJ	Receive and review new pleadings;	0.10	22.50
4/16/2007	JS	Review docket;	0.20	33.00
4/17/2007	WSJ	Receive and review new pleadings; Conference with Mr. Steinberg;	0.60	135.00
	JS	Telephone call to David Ferree; Telephone call to Consortium of Airports counsel; Conference with Mr. Jenkins;	0.30	49.50
4/18/2007	WSJ	Receive and review new pleadings;	0.30	67.50
4/19/2007	WSJ	Receive and review new pleadings;	0.20	45.00
<hr/>				
For professional services rendered			10.80	\$2,172.00
Previous balance				\$2,566.50
3/27/2007	Payment - Thank You. Check No. 213976			(\$757.50)
Total payments and adjustments				(\$757.50)
Balance due				<u>\$3,981.00</u>

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April 24, 2007

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City of Des Moines

Northwest Airlines

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	6.50	225.00	\$1,462.50
Jase Steinberg	4.30	165.00	\$709.50

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120+ Days</u>
\$2,172.00	\$1,809.00	\$0.00	\$0.00	\$0.00

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Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICES

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

April 24, 2007

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

City of Des Moines
Mr. David Ferree
Legal Department
400 East First Street
Des Moines, IA 50309

In Reference To: Delta Airlines

Account No. 4422-005

For Services Rendered Through April 20, 2007

	<u>Hours</u>	<u>Amount</u>
3/26/2007 JS E-mail to David Ferree; Check docket;	0.30	49.50
4/2/2007 JS Review schedule of Assumed Leases; Review docket;	0.20	33.00
4/4/2007 JS Two telephone calls from and two faxes to David Ferree's assistant;	0.20	33.00
4/9/2007 JS Review docket;	0.20	33.00
4/16/2007 JS Review docket; Review schedule of Assumed Leases;	0.30	49.50
4/17/2007 JS Telephone call to David Ferree;	0.10	16.50
For professional services rendered	1.30	\$214.50
Previous balance		\$2,068.00
3/27/2007 Payment - Thank You. Check No. 213976		(\$1,122.00)
Total payments and adjustments		(\$1,122.00)
Balance due		<u>\$1,160.50</u>

April 24, 2007

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City of Des Moines

Delta Airlines

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Jase Steinberg	1.30	165.00	\$214.50

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120+ Days</u>
\$214.50	\$946.00	\$0.00	\$0.00	\$0.00

Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICES

35

Phoenix Corporate Center
3003 North Central Avenue
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April 24, 2007

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City of Des Moines
Mr. David Ferree
Legal Department
400 East First Street
Des Moines, IA 50309

In Reference To: United Airlines

Account No. 4422-003

For Services Rendered Through April 20, 2007

	<u>Hours</u>	<u>Amount</u>
3/26/2007 WSJ Telephone conference with Dave Ferree;	0.10	21.50
BAK Print weekly docket;	0.20	18.00
4/2/2007 BAK Print weekly docket;	0.20	18.00
4/9/2007 BAK Print weekly docket;	0.20	18.00
4/16/2007 BAK Print weekly docket;	0.20	18.00
For professional services rendered	0.90	\$93.50
Previous balance		\$818.00
3/27/2007 Payment - Thank You. Check No. 213976		(\$144.50)
Total payments and adjustments		(\$144.50)
Balance due		\$767.00

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	0.10	215.00	\$21.50
Beverly A. Kane	0.80	90.00	\$72.00

April 24, 2007
City of Des Moines
United Airlines

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Current	30 Days	60 Days	90 Days	120+ Days
\$93.50	\$673.50	\$0.00	\$0.00	\$0.00

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STATEMENT

Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICES

Phoenix Corporate Center
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Suite 1900
Phoenix, Arizona 85012

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E-mail: ab@mjlegal.com
Federal Tax Id. 86-0476704

April 24, 2007

City of Des Moines
Mr. David Ferree
Legal Department
400 East First Street
Des Moines, IA 50309

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

Account No. 4422-004

For Services Rendered Through April 20, 2007

	<u>Hours</u>	<u>Amount</u>
3/26/2007 BAK Print weekly docket;	0.10	9.50
4/2/2007 BAK Print weekly docket;	0.10	9.50
4/9/2007 BAK Print weekly docket;	0.10	9.50
4/16/2007 BAK Print weekly docket;	0.10	9.50
	<hr/>	<hr/>
For professional services rendered	0.40	\$38.00
Previous balance		\$167.00
3/27/2007 Payment - Thank You. Check No. 213976		(\$58.00)
		<hr/>
Total payments and adjustments		(\$58.00)
		<hr/>
Balance due		\$147.00
		<hr/> <hr/>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Beverly A. Kane	0.40	95.00	\$38.00

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April 24, 2007

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City of Des Moines

City of Des Moines re ATA

Current	30 Days	60 Days	90 Days	120+ Days
\$38.00	\$109.00	\$0.00	\$0.00	\$0.00

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Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICES

35

Phoenix Corporate Center
3003 North Central Avenue
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Phoenix, Arizona 85012

April 24, 2007

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E-mail: ab@mjlegal.com
Federal Tax Id. 86-0476704

City of Des Moines
Mr. David Ferree
Legal Department
400 East First Street
Des Moines, IA 50309

In Reference To: General

Account No. 4422-000

For Services Rendered Through April 20, 2007

	<u>Hours</u>	<u>Amount</u>
3/20/2007 WSJ Review and revise statements;	0.40	86.00
3/23/2007 WSJ Telephone conference with Dave Ferree's office;	0.10	21.50
3/26/2007 WSJ Telephone conference with Dave Ferree re lease negotiations;	0.10	21.50
	<hr/>	<hr/>
For professional services rendered	0.60	\$129.00
Additional Charges :		
Fax Expense		6.50
Westlaw - Computer Legal Research		893.62
		<hr/>
Subtotal of charges		\$900.12
Miscellaneous Adjustments		(\$300.00)
		<hr/>
Total costs		\$600.12
		<hr/>
Total amount of this bill		\$729.12
Previous balance		\$383.50
		<hr/>
Balance due		<u>\$1,112.62</u>

April 24, 2007

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City of Des Moines

General

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	0.60	215.00	\$129.00

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120+ Days</u>
\$729.12	\$383.50	\$0.00	\$0.00	\$0.00

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