Motion that the Board of Supervisors convene in closed session on May 14, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation relating to the Transient Occupancy Tax in which the City is a defendant pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

WHEREAS, California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), allow the Board of Supervisors to convene in closed session to confer with or receive advice from Legal Counsel regarding existing litigation; and

WHEREAS, The City and County of San Francisco is a defendant in each of the following consolidated cases:

- Judicial Council Coordinated Proceeding Case No. 4472, Consolidated Action in Los Angeles Superior Court, consolidating, among others, the following actions in which the City is a defendant: Hotwire Inc. v. City and County of San Francisco, et al. (San Francisco Superior Court Case No. CGC 09-488289); Expedia, Inc. v. City and County of San Francisco, et al. (San Francisco Superior Court Case No. CGC 09-488292); Priceline.com Inc. et al. v. City and County of San Francisco, et al. (San Francisco Superior Court Case No. CGC 09-509573); Travelocity.com, L.P., et al. v. City and County of San Francisco, et al. (San Francisco Superior Court Case No. CGC 09-
489356); and City and County of San Francisco v. San Francisco Hilton Union
Square, et al. (San Francisco Superior Court Case No. CGC-11-510705); and
• BHR Operations, LLC, dba Crowne Plaza and dba Holiday Inn Fisherman’s Wharf, et
  al. v. City and County of San Francisco (San Francisco Superior Court Case No.CGC-
10-498514, consolidated with San Francisco Superior Court Case No. CGC-10-
505526); now, therefore, be it

MOVED, That the Board of Supervisors convene in closed session on May 14, 2013, to
consult with Legal Counsel for the purpose of conferring with, or receiving advice from, Legal
Counsel regarding existing litigation in each of the following consolidated cases:

• Judicial Council Coordinated Proceeding Case No. 4472, Consolidated Action in Los
  Angeles Superior Court, consolidating, among others, the following actions in which
the City is a defendant: Hotwire Inc. v. City and County of San Francisco, et al. (San
Francisco Superior Court Case No. CGC 09-488289); Expedia, Inc. v. City and County
of San Francisco, et al. (San Francisco Superior Court Case No. CGC 09-488292);
Priceline.com Inc. et al. v. City and County of San Francisco, et al. (San Francisco
Superior Court Case No. CGC 09-509573); Travelocity.com, L.P., et al. v. City and
County of San Francisco, et al. (San Francisco Superior Court Case No. CGC 09-
489356); and City and County of San Francisco v. San Francisco Hilton Union
Square, et al. (San Francisco Superior Court Case No. CGC-11-510705); and
• BHR Operations, LLC, dba Crowne Plaza and dba Holiday Inn Fisherman’s Wharf, et
al. v. City and County of San Francisco (San Francisco Superior Court Case No.CGC-
10-498514, consolidated with San Francisco Superior Court Case No. CGC-10-
505526).
FURTHER MOVED, Government Code Section, 54956.9(a), and Administrative Code, Section 67.10(d)(1), permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.
Motion that the Board of Supervisors convene in closed session on May 14, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation relating to the Transient Occupancy Tax in which the City is a defendant pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

May 14, 2013 Board of Supervisors - APPROVED
Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Tang, Wiener and Yee
Absent: 1 - Mar

I hereby certify that the foregoing Motion was APPROVED on 5/14/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board