

1 [Settlement of Lawsuit]

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3 Ordinance authorizing settlement of the lawsuit filed by Mitchell Engineering/J.
4 Fletcher Creamer & Son, Inc. against the City and County of San Francisco for
5 \$775,000; the lawsuit was filed on July 6, 2005 in San Joaquin County Superior Court,
6 Case No. CV 026863; entitled Mitchell Engineering/J/ Fletcher Creamer & Son, Inc., et
7 al., v. City and County of San Francisco, et al.

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9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. The City Attorney is hereby authorized to settle the action entitled "Mitchell
11 Engineering/J. Fletcher Creamer & Son, Inc, et al., v. City and County of San Francisco, et al.
12 San Joaquin County Superior Court, Court No. CV 026863 by the payment of \$775,000
13 (Seven Hundred Seventy-five Thousand Dollars) and each of the parties to bear its own
14 attorneys fees and costs and each of the parties to provide mutual releases.

15 Section 2. The above-named action was filed in San Joaquin County Superior Court
16 on July 6, 2005, and the following parties were named in the lawsuit: Plaintiff Mitchell
17 Engineering/J. Fletcher Creamer & Son, Inc. and Defenfant City and County of San Francisco.

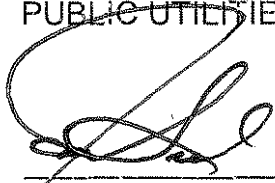
18 APPROVED AS TO FORM AND
19 RECOMMENDED:

RECOMMENDED:

20 DENNIS J. HERRERA
21 City Attorney

PUBLIC UTILITIES COMMISSION

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23 JOANNE HOEPER
24 Chief Trial Deputy

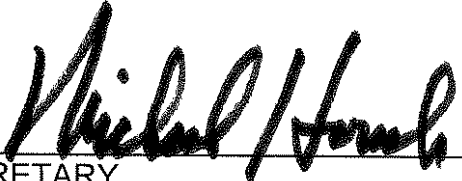
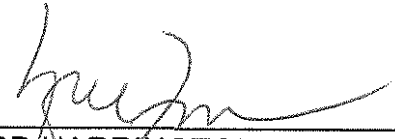

25 SUSAN LEAL
General Manager

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FUNDS AVAILABLE:

APPROVED:



EDWARD HARRINGTON
Controller

SECRETARY
PUBLIC UTILITIES COMMISSION

Index Code: 527628
Project Code: CUH762
Subobject: 05312



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 071412

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by Mitchell Engineering/J. Fletcher Creamer & Son, Inc. against the City and County of San Francisco for \$775,000; the lawsuit was filed on July 6, 2005 in San Joaquin County Superior Court, Case No. CV 026863; entitled Mitchell Engineering/J. Fletcher Creamer & Son, Inc., et al., v. City and County of San Francisco, et al.

October 30, 2007 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 6, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 071412

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 6, 2007 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

[Signature]

Mayor Gavin Newsom

11/14/2007

Date Approved