

146-09

FILE NO. 090667

ORDINANCE NO.

1 [Settlement of Lawsuit]

2
3 **Ordinance authorizing settlement of the class action lawsuit entitled King v. City and**
4 **County of San Francisco, filed on January 4, 2007 in the Superior Court of California,**
5 **County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the**
6 **City will spend a minimum of \$4 million annually to install and upgrade curb ramps in**
7 **the City's pedestrian rights of way, and the City will pay an aggregate of \$63,500 to**
8 **plaintiffs and their counsel for damages and attorneys' fees.**

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

10 Section 1. Findings:

11 (1) On January 4, 2007, plaintiffs Eddie King, Barnabus Fairfield, David Gunther, Gloria
12 Vaughn, Yvonne White and George Louie filed a class action lawsuit in state court entitled
13 "King, et al. v. City and County Of San Francisco," alleging violations of sections 54 and 54.1
14 of California's Civil Code. Class members include disabled individuals who use the City's
15 sidewalks and walkways. The lawsuit alleges that the City has failed to provide adequate
16 curb ramps for disabled individuals to use the City's sidewalks.

17 (2) In settlement of plaintiffs' lawsuit, the parties have negotiated a settlement
18 agreement, pursuant to which the City will spend at least \$4,000,000 (four million dollars)
19 annually to install and upgrade curb ramps, will pay each class representative \$5000 (five
20 thousand dollars) in damages, and will pay \$38,500 (thirty eight thousand five hundred
21 dollars) in attorneys' fees to plaintiffs' counsel. As more particularly described in the
22 settlement agreement, the City will ensure that its curb ramp installation program continues to
23 reflect the priorities of people with disabilities who live and work in San Francisco. The City
24 will maintain a map indicating the location of safe and usable curb ramps. The City will report
25

1 annually to plaintiffs on its curb ramp installation program. A copy of the settlement
2 agreement is contained in Board File No. 090667.

3 Section 2. The above-named class action lawsuit was filed in San Francisco Superior
4 Court on January 4, 2007, and the following parties were named in the lawsuit: Plaintiffs
5 Eddie King, Barnabus Fairfield, David Gunther, Gloria Vaughn, Yvonne White and George
6 Louie.

7 Section 3. The Board of Supervisors approves and authorizes the City's execution,
8 delivery and performance of the settlement agreement.

9
10 APPROVED AS TO FORM AND
RECOMMENDED:

11 DENNIS J. HERRERA
12 City Attorney

13
14 
15 JAMES M. EMERY
Chief of Complex Litigation

16 FUNDS AVAILABLE:

17
18 
19 BENJAMIN ROSENFIELD
20 Controller

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

21
22 
23 EDWARD D. REISKIN
24 Director

MAYOR'S OFFICE ON DISABILITY

25

SUSAN MIZNER
Director



City and County of San Francisco

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

Tails

Ordinance

File Number: 090667

Date Passed:

Ordinance authorizing settlement of the class action lawsuit entitled King v. City and County of San Francisco, filed on January 4, 2007, in the Superior Court of California, County of San Francisco, Case No. 459-278. Pursuant to the proposed settlement, the City will spend a minimum of \$4 million annually to install and upgrade curb ramps in the City's pedestrian rights of way, and the City will pay an aggregate of \$63,500 to plaintiffs and their counsel for damages and attorneys' fees.

June 16, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell,
Mirkarimi

Excused: 1 - Elsbernd

June 23, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,
Maxwell, Mirkarimi

File No. 090667

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on June 23, 2009 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

7.2.09

Date Approved



Mayor Gavin Newsom