

8-12

1 [Settlement of Lawsuit - Mitchell Engineering/Obayashi Corporation, JV - \$14,950,000]

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3 **Ordinance authorizing settlement of the lawsuit entitled *Mitchell Engineering /Obayashi***
4 ***Corp. JV v. City and County of San Francisco, et al., and related cross-actions., Santa***
5 ***Clara County Superior Court Case No. 1-08-CV-116915 by payment of \$14,950,000 from***
6 ***the City to MEOC.***

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

8 Section 1. The City Attorney is hereby authorized to settle the action entitled *Mitchell*
9 *Engineering /Obayashi Corp. JV ("MEOC") v. City and County of San Francisco ("City"), et al.,*
10 *and related cross-actions., Santa Clara County Superior Court Case No. 1-08-CV-116915, by*
11 *(a) payment of \$14,950,000 from the City to MEOC; (b) complete releases of all claims*
12 *against all parties, and dismissal with prejudice of all lawsuits, with the exception the*
13 *exception of claims for latent defects and third-party claims; (c) assignment by MEOC to the*
14 *City of all rights under the Fibrebond Corporation – Shelters' 10-year limited structural*
15 *warranty, and B&B Roadway's VW4 RVW Warning Gate 5-year warranty; and (d) all parties to*
16 *bear their own costs and fees arising from the action.*

17 Section 2. DPW is hereby directed to apply for any eligible reimbursement from
18 Caltrans.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney



Ronald P. Flynn
Deputy City Attorney

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS



MOHAMMED NURU
Interim Director
Department of Public Works

FUNDS AVAILABLE:



BEN ROSENFELD
Controller

APPROVED:



AMY BROWN
Interim City Administrator



City and County of San Francisco
Tails
Ordinance

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

File Number: 111287

Date Passed: January 10, 2012

Ordinance authorizing settlement of the lawsuit entitled Mitchell Engineering/Obayashi Corporation, JV (MEOC) v. City and County of San Francisco, et al., and related cross-actions, Santa Clara County Superior Court Case No. 1-08-CV-116915 by payment of \$14,950,000 from the City to MEOC.

December 08, 2011 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

December 13, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

January 10, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 111287

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
1/10/2012 by the Board of Supervisors of the
City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved