

1 [Settlement of Lawsuit - Local Search Association - \$85,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by Local Search Association**
4 **against the City and County of San Francisco for \$85,000; the lawsuit was filed on June**
5 **7, 2011, in the United States District Court for the Northern District of California, Case**
6 **No. CV-11-2776 SBA; entitled Local Search Association v. City and County of San**
7 **Francisco, et al.; other material terms of said settlement are that the parties shall**
8 **stipulate to entry of a consent judgment against the City and County of San Francisco.**
9

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

11 Section 1. The City Attorney is hereby authorized to settle the action entitled "Local
12 Search Association v. City and County of San Francisco, et al., United States District Court for
13 the Northern District of California, Court No. CV-11-2776 SBA by stipulating to the entry of a
14 consent judgment against the City and County of San Francisco providing as follows: the
15 parties dispute whether San Francisco Ordinance No. 78-11 was constitutional at the time it
16 was enacted but they agree that it is unconstitutional and may not be enforced under Dex
17 Media West Inc. v. City of Seattle, 696 F.3d 952 (9th Cir. Oct. 15, 2012); and the City and
18 County of San Francisco will pay \$85,000 in attorneys' fees and costs to Local Search
19 Association.

20 Section 2. The above-named action was filed in the United States District Court for the
21 Northern District of California on June 7, 2011, and the following parties were named in the
22 lawsuit: plaintiff Local Search Association and defendants City and County of San Francisco;
23 Board of Supervisors of the City and County of San Francisco; and Edwin M. Lee in his official
24 capacity as Mayor of the City and County of San Francisco.
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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney


WAYNE SNODGRASS
Deputy City Attorney

FUNDS AVAILABLE:


BEN ROSENFELD
Controller

Index Code: 975067
Sup Object: 05311

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RECOMMENDED:

DEPARTMENT OF THE ENVIRONMENT


MELANIE NUTTER
Director



City and County of San Francisco

Tails
Ordinance

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

File Number: 130507

Date Passed: July 30, 2013

Ordinance authorizing settlement of the lawsuit filed by Local Search Association against the City and County of San Francisco for \$85,000; the lawsuit was filed on June 7, 2011, in the U.S. District Court for the Northern District of California, Case No. CV-11-2776 SBA; entitled Local Search Association v. City and County of San Francisco, et al.; other material terms of said settlement are that the parties shall stipulate to entry of a consent judgment against the City and County of San Francisco.

July 18, 2013 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

July 23, 2013 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

July 30, 2013 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130507

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
7/30/2013 by the Board of Supervisors of the
City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor
Date Approved