

FILE NO. 991951

ORDINANCE NO. 336-99

RO#99042

1 [Settlement Of Lawsuit]

2 AUTHORIZING THE SETTLEMENT OF THE LITIGATION BETWEEN THE CITY AND
3 COUNTY OF SAN FRANCISCO ("CITY") AND JOHN SHIMMICK CONSTRUCTION,
4 INC./OBAYASHI CORPORATION, JOINT VENTURE, AND FOUNDATION
5 CONSTRUCTORS, INC. (COLLECTIVELY REFERRED TO AS "SHIMMICK") IN THE
6 LAWSUITS CONSOLIDATED UNDER *IDEAL PAINT CO., INC. VS. CITY AND COUNTY OF*
7 *SAN FRANCISCO, AND CONSOLIDATED ACTIONS*, SAN FRANCISCO SUPERIOR
8 COURT NO. 967-708

9


10 Section 1. The City Attorney is hereby authorized to settle the litigation entitled *Ideal*
11 *Paint Co., Inc. vs. City and County of San Francisco, and Consolidated Actions*, San
12 Francisco Superior Court Case No. 967-708 ("Actions") by payment to Shimmick in the
13 amount of \$209,000 from the City and \$51,000 from Dames & Moore, Inc. ("Dames &
14 Moore"). The City Attorney is further authorized to dismiss with prejudice the City's cross-
15 complaint against Shimmick in the Actions and to fully release Shimmick, its insurance
16 carriers, and Dames & Moore from all claims related to or arising from the Actions and/or the
17 public works project known as Contract "C", with the exception of claims for latent defects,
18 warranty claims, and/or claims for insurance coverage with respect to any future claims by
19 any third-party arising from the public works project known as Contract "C". As further
20 consideration for this settlement, Dames & Moore has agreed to fully release the City and
21 Shimmick from all claims for damages related to or arising from the Actions and/or the public
22 works project known as Contract "C", with the exception of claims against Shimmick and/or its
23 insurance carriers for insurance coverage with respect to any future claims by any third-party
24 arising from the public works project known as Contract "C". As consideration for this
25 settlement, Shimmick has agreed to dismiss with prejudice its cross-complaint against the

1 City in the Actions, and Shimmick and its carriers have agreed to fully release the City and
2 Dames & Moore from all claims arising from the Actions and/or the public works project
3 known as Contract "C".
4

5 APPROVED AS TO FORM:

6 LOUISE H. RENNE, City Attorney


7
8 By:


9 PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

PUBLIC UTILITIES COMMISSION

By:


ANSON MORAN
General Manager

10 FUNDS AVAILABLE

11
12 By:


13 EDWARD HARRINGTON
Controller

14
15 5C-CPF-68X 92-00-00
16 CWP600PU268X Project CENCMP-IT2540
\$209,000.00
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City and County of San Francisco

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

Tails Ordinance

File Number: 991951

Date Passed:

Ordinance authorizing the settlement of the litigation between the City and County of San Francisco ("City") and John Shimmick Construction, Inc./Obayashi, Joint Venture, and Foundation Constructors, Inc. (collectively referred to as "Shimmick") in the lawsuits consolidated under Ideal Paint Co., Inc. vs. City and County of San Francisco, and Consolidated Actions.

December 13, 1999 Board of Supervisors — PASSED, ON FIRST READING

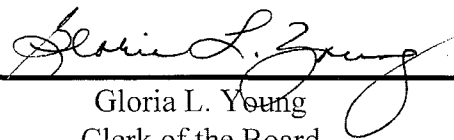
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 20, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 991951

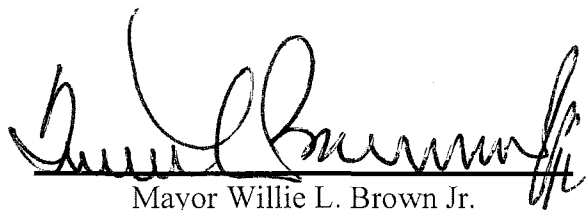
I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 20, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

DEC 30 1999

Date Approved



Mayor Willie L. Brown Jr.