

1 [Partial Settlement of Lawsuit - Malcolm Davis - \$28,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by Malcolm Davis against the City**
4 **and County of San Francisco for \$28,000; the lawsuit was filed on August 20, 2015, in**
5 **San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v.**
6 **City and County of San Francisco; the lawsuit involves inverse condemnation arising**
7 **out of flooding damage during major rainstorms; as it relates only to property loss of**
8 **plaintiff Malcolm Davis, by the payment of \$28,000, and excluding the claim by this**
9 **plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for**
10 **attorney's fees, costs and interest, which will be addressed in later proceedings.**

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

13 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
14 authorizes the City Attorney to settle the action entitled David Alfaro, et al. v. City and County
15 of San Francisco, San Francisco Superior Court, Case No. CGC-15-547492 by the payment
16 of \$28,000. The lawsuit involves inverse condemnation arising out of flooding damage during
17 major rainstorms.

18 Section 2. The above-named action was filed in San Francisco Superior Court on
19 August 20, 2015. This is an action brought by owners or occupants of several dozen
20 properties located in San Francisco against defendant City and County of San Francisco.

21 Section 3. This is a partial settlement of the action. It resolves the personal and real
22 property claims of plaintiff Malcolm Davis. The parties will subsequently and separately
23 address the personal and real property claims of other plaintiffs to the action, all claims of
24 diminution of property value, and all claims for statutory attorney's fees.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney



CHERYL ADAMS
Chief Trial Deputy

FUNDS AVAILABLE:

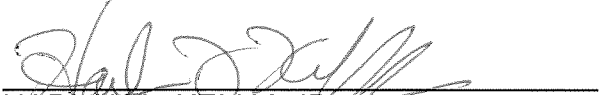


BEN ROSENFELD
Controller

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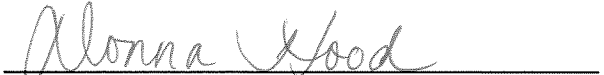
RECOMMENDED:

PUBLIC UTILITIES COMMISSION



HARLAN L. KELLY, JR.
General Manager

APPROVED:



DONNA HOOD
Secretary, Public Utilities Commission



City and County of San Francisco

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

Tails
Ordinance

File Number: 180633

Date Passed: July 31, 2018

Ordinance authorizing settlement of the lawsuit filed by Malcolm Davis against the City and County of San Francisco for \$28,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiff Malcolm Davis, by the payment of \$28,000, and excluding the claim by this plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings.

July 18, 2018 Government Audit and Oversight Committee - RECOMMENDED

July 24, 2018 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Cohen, Brown, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani and Yee
Excused: 1 - Tang

July 31, 2018 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Cohen, Brown, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

File No. 180633

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/31/2018 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board

Handwritten signature of London N. Breed

London N. Breed
Mayor

Handwritten date: 8-10-18

Date Approved