

1 [Partial Settlement of Lawsuit - Cesar and Fe Ponferrada - \$250,000]

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3 **Ordinance authorizing partial settlement of the lawsuit filed by Cesar and Fe**
4 **Ponferrada against the City and County of San Francisco for \$250,000; the lawsuit was**
5 **filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492;**
6 **entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves**
7 **inverse condemnation arising out of flooding damage during major rainstorms in**
8 **December of 2014; this settlement relates only to the diminution of real property value**
9 **claims of plaintiffs Cesar and Fe Ponferrada, and does not include claims for property**
10 **loss or for attorney's fees, costs and interest.**

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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 in part, and only as to plaintiffs Cesar and Fe
15 Ponferrada, the action entitled David Alfaro, et al. v. City and County of San Francisco, San
16 Francisco Superior Court, Case No. CGC-15-547492 by the payment of \$250,000 to plaintiffs
17 Cesar and Fe Ponferrada. The lawsuit involves inverse condemnation arising out of flooding
18 damage during major rainstorms in December of 2014.

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

22 Section 3. This is a partial settlement of the action. It resolves the diminution of real
23 property value claims of plaintiffs Cesar and Fe Ponferrada. The parties have previously,
24 separately settled the personal and real property damage claims of plaintiffs Cesar and Fe
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1 Ponferrada in this action (see Board Ordinance No. 38-18), and will subsequently and
2 separately address all claims for statutory attorney's fees relating to this action.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

/s/ Meredith B. Osborn
MEREDITH B. OSBORN
Chief Trial Deputy

FUNDS AVAILABLE:

/s/Ben Rosenfield
BEN ROSENFELD
Controller

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RECOMMENDED:

PUBLIC UTILITIES COMMISSION

/s/
HARLAN L. KELLY, JR.
General Manager

APPROVED:

/s/
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: 200874

Date Passed: September 22, 2020

Ordinance authorizing partial settlement of the lawsuit filed by Cesar and Fe Ponferrada against the City and County of San Francisco for \$250,000; 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 in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiffs Cesar and Fe Ponferrada, and does not include claims for property loss or for attorney's fees, costs and interest.

August 20, 2020 Government Audit and Oversight Committee - CONTINUED

September 03, 2020 Government Audit and Oversight Committee - RECOMMENDED

September 15, 2020 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

September 22, 2020 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200874

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/22/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

10.2.20

Date Approved