

1 [Partial Settlement of Lawsuit - Ho Tan and Lionel Tan - \$245,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by Ho Tan and Lionel Tan against**
4 **the City and County of San Francisco for \$245,000; the lawsuit was filed on**
5 **August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled**
6 **David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse**
7 **condemnation arising out of flooding damage during major rainstorms; as it relates**
8 **only to property loss of plaintiffs Ho Tan and Lionel Tan, by the payment of \$245,000**
9 **and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real**
10 **property and the claim by plaintiffs for attorney's fees, costs and interest, which will be**
11 **addressed in later proceedings.**

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

14 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
15 authorizes the City Attorney to settle the action entitled David Alfaro, et al. v. City and County
16 of San Francisco, San Francisco Superior Court, Case No. CGC-15-547492 by the payment
17 of \$245,000. The lawsuit involves inverse condemnation arising out of flooding damage
18 during major rainstorms.

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 personal and real
23 property claims of plaintiffs Ho Tan and Lionel Tan. The parties will subsequently and
24 separately address the personal and real property claims of other plaintiffs to the action, all
25 claims of 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

RECOMMENDED:

PUBLIC UTILITIES COMMISSION



HARLAN L. KELLY, JR.
General Manager

APPROVED:



DONNA HOOD
Secretary, Public Utilities Commission

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City and County of San Francisco

Tails

Ordinance

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

File Number: 180955

Date Passed: November 27, 2018

Ordinance authorizing settlement of the lawsuit filed by Ho Tan and Lionel Tan against the City and County of San Francisco for \$245,000; 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 plaintiffs Ho Tan and Lionel Tan, by the payment of \$245,000 and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real property and the claim by plaintiffs for attorney's fees, costs and interest, which will be addressed in later proceedings.

November 07, 2018 Government Audit and Oversight Committee - RECOMMENDED

November 13, 2018 Board of Supervisors - PASSED ON FIRST READING

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

November 27, 2018 Board of Supervisors - FINALLY PASSED

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

File No. 180955

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/27/2018 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

12/7/18

Date Approved