

1 [Tolling Agreement - The Mexican Museum - Lawsuit Statute of Limitations]

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3 **Resolution approving a tolling agreement to toll the statute of limitations on The**
4 **Mexican Museum's lawsuit against the City in exchange for a dismissal without**
5 **prejudice in *The Mexican Museum v. City and County of San Francisco, et al.*, San**
6 **Francisco Superior Case No. CGC-14-542509.**

7
8 WHEREAS, The Mexican Museum ("Museum") filed a lawsuit against the City and
9 County of San Francisco ("City") in the San Francisco Superior Court, Case No. CGC-22-
10 599833 (the "Action"), alleging breach of a Purchase Agreement between the City and the
11 Museum, among others, and a lease agreement between the City and the Museum for the
12 rental by the Museum of a four-story parcel of the property located at 706 Mission Street in
13 San Francisco; and

14 WHEREAS, The City and Museum wish to avoid the expense and uncertainty of
15 litigation of the Action if possible; and

16 WHEREAS, The City and the Museum have tentatively agreed, subject to approval of
17 the Board of Supervisors, that tolling the limitations period will permit the Museum to dismiss
18 the Action without prejudice; and

19 WHEREAS, The City and the Museum have agreed that the limitations and time
20 related defenses for claims by both parties shall be tolled pursuant to the terms set forth in the
21 Tolling Agreement, now, therefore, be it

22 RESOLVED, That the Board of Supervisors hereby approves the Tolling Agreement,
23 on file with the Clerk of the Board in Filed No. 230535, and authorizes the City Attorney to
24 enter into such Agreement on behalf of the City and County of San Francisco.



City and County of San Francisco

Tails

Resolution

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

File Number: 230535

Date Passed: June 13, 2023

Resolution approving a tolling agreement to toll the statute of limitations on The Mexican Museum's lawsuit against the City in exchange for a dismissal without prejudice in The Mexican Museum v. City and County of San Francisco, et al., San Francisco Superior Case No. CGC-14-542509.


June 01, 2023 Government Audit and Oversight Committee - RECOMMENDED

June 13, 2023 Board of Supervisors - ADOPTED


Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230535

I hereby certify that the foregoing Resolution was ADOPTED on 6/13/2023 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

6/23/23

Date Approved