

1 [Settlement of Lawsuit - Mitchell Engineering/Obayashi Corporation, JV - \$14,950,000]

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3 **Ordinance authorizing settlement of the lawsuit entitled *Mitchell Engineering/Obayashi***
4 ***Corporation, JV (MEOC) v. City and County of San Francisco, et al.,* and related cross-**
5 **actions., Santa Clara County Superior Court Case No. 1-08-CV-116915 by payment of**
6 **\$14,950,000 from the City to MEOC.**

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

8 Section 1. The City Attorney is hereby authorized to settle the action entitled *Mitchell*
9 *Engineering /Obayashi Corp. JV ("MEOC") v. City and County of San Francisco ("City"), et al.,*
10 and related cross-actions., Santa Clara County Superior Court Case No. 1-08-CV-116915, by
11 (a) payment of \$14,950,000 from the City to MEOC; (b) complete releases of all claims
12 against all parties, and dismissal with prejudice of all lawsuits, with the exception the
13 exception of claims for latent defects and third-party claims; (c) assignment by MEOC to the
14 City of all rights under the Fibrebond Corporation – Shelters' 10-year limited structural
15 warranty, and B&B Roadway's VW4 RVW Warning Gate 5-year warranty; and (d) all parties to
16 bear their own costs and fees arising from the action.

17 Section 2. DPW is hereby directed to apply for any eligible reimbursement from
18 Caltrans.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

Ronald P. Flynn
Deputy City Attorney

FUNDS AVAILABLE:

BEN ROSENFELD
Controller

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

MOHAMMED NURU
Interim Director
Department of Public Works

APPROVED:

AMY BROWN
Interim City Administrator