

1 [Settlement of Lawsuit.]
2

3 **Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert**
4 **Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves**
5 **and others similarly situated, against the City and County of San Francisco for**
6 **\$1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the**
7 **lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the**
8 **Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and**
9 **County of San Francisco; (b) November 14, 2006 in the United States District Court for**
10 **the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City**
11 **and County of San Francisco; and (c) November 7, 2006 in the United States District**
12 **Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v.**
13 **City and County of San Francisco.**


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


15 Section 1. The City Attorney is hereby authorized to settle plaintiffs' claims in the
16 actions entitled Weaver, et al. v. City and County of San Francisco; United States District
17 Court for the Northern District of California, Case No. 06-7071 SI, Moynihan, et al. v. City and
18 County of San Francisco; United States District Court for the Northern District of California,
19 Case No. 06-6953 SI, and Green, et al. v. City and County of San Francisco, United States
20 District Court for the Northern District of California, Case No. 06-6953 SI, by the payment of
21 \$1,291,741.11, plus 7% simple interest from January 4, 2009 to the date of payment. The
22 payment shall be allocated as follows: (a) \$735,383.13 as back wages, less applicable taxes;
23 (b) \$281,357.98 plus 7% simple interest on any unpaid settlement amounts from January 4,
24 2009 to date of payment, as interest; and (c) \$275,000.00 for attorneys' fees and costs.
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1 Section 2. The above-named actions were filed in the United States District Court for
2 the Northern District of California on April 14, 2003 (Weaver), November 7, 2006 (Green), and
3 November 14, 2006 (Moynihan) and the following parties were named in the lawsuit: Robert
4 Weaver and 168 other similarly situated employees, plaintiffs; and the City and County of San
5 Francisco, defendant.

7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney


RECOMMENDED:
San Francisco Fire Department


9
10 By: 
11 ELIZABETH S. SALVESON
Chief Labor Attorney

By: 
12 JOANNE HAYES-WHITE
13 Chief of Department
14 12/11/08

15 FUNDS ARE AVAILABLE:
16 Office of the Controller

San Francisco Fire Commission

17 By: 
18 BENJAMIN ROSENFELD
19 Controller
20 Index Code: 975024
21 Subobject: 05312

By: 
22 Secretary



City and County of San Francisco

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

Tails Ordinance

File Number: 090046

Date Passed:

Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for \$1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco.

March 3, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 17, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090046

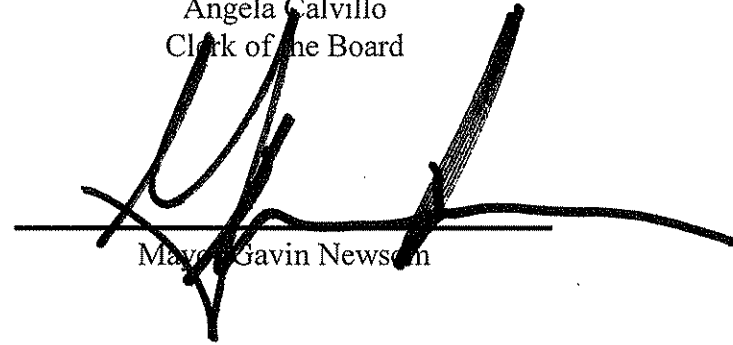
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on March 17, 2009
by the Board of Supervisors of the City and
County of San Francisco.



Angela Galvillo
Clerk of the Board

3/26/09

Date Approved



Mayor Gavin Newsom