

1 [SETTLEMENT OF LAWSUIT]
2 AUTHORIZING THE CITY TO RELEASE, DISCHARGE, DEFEND, AND INDEMNIFY
3 CROSS-DEFENDANTS A. RUIZ CONSTRUCTION COMPANY ("RUIZ"), HALEY & ALDRICH
4 ("HALEY"), EPC CONSULTANTS, INC. ("EPC"), AND UNDERGROUND CONSTRUCTION
5 MANAGERS ("UNDERGROUND"), AS CONSIDERATION FOR THE APPROVED
6 \$7,816,666 SETTLEMENT PAYMENT TO THE CITY IN THE CONSOLIDATED ACTIONS
7 ENTITLED *YEE V. CITY AND COUNTY OF SAN FRANCISCO, AND CONSOLIDATED*
8 *ACTIONS*

9
10 Section 1. The City Attorney is hereby authorized to include an indemnity provision in
11 the settlement agreement between the City and County of San Francisco and Cross-
12 defendants A. Ruiz Construction Company ("Ruiz"), Haley & Aldrich ("Haley"), EPC
13 Consultants, Inc. ("EPC"), and Underground Construction Managers ("Underground") for the
14 consolidated actions entitled *Yee v. City and County of San Francisco, and consolidated*
15 *actions*, San Francisco Superior Court No. 980-740. As part of that settlement the Board of
16 Supervisors has already approved a combined settlement payment from the cross-
17 defendants to the City in the amount of \$7,816,666, plus an additional payment by Haley to
18 the City to reimburse the City for a portion of its litigation costs incurred in defense of the
19 third-party claims in the referenced litigation. As consideration for this settlement, in addition
20 to dismissal of its cross-complaints, the City will also agree to release, discharge, defend, and
21 indemnify the settling cross-defendants from all claims, actions, and causes of action for
22 damages caused by the December 11, 1995 Seacliff sinkhole incident. The City will continue
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24
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1 to maintain its rights to pursue its action against contractors Shank Balfour/Beatty and its
2 insurance carriers.

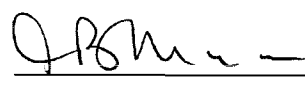
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4 APPROVED AS TO FORM:

5 LOUISE H. RENNE, City Attorney

RECOMMENDED:

PUBLIC UTILITIES COMMISSION

6
7 By: 
8 PATRICK J. MAHONEY
9 Chief Trial Deputy

By: 
ANSON MORAN
General Manager

10 FUNDS AVAILABLE:

11 By: N/A
12 EDWARD HARRINGTON
13 Controller


Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
	§	
September 28, 1998	§	October 5, 1998
	§	
	§	
Ayes: Supervisors Ammiano Brown	§	Ayes: Supervisors Ammiano Brown
Katz Leno Medina Newsom Teng Yaki	§	Kaufman Leno Newsom Teng Yee
Yee	§	
	§	
Absent: Supervisors Bierman Kaufman	§	Absent: Supervisors Bierman Katz
	§	Medina Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco



 Clerk



 Mayor

File No.
 98-1470

OCT 16 1998
 Date Approved