

1 [Settlement of Lawsuit - Damian Fleming - \$70,000]

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**Ordinance authorizing settlement of the lawsuit filed by Damian Fleming against the City and County of San Francisco for \$70,000; the lawsuit was filed on July 14, 2010, in San Francisco Superior Court, Case No. CGC 10-501543, entitled Fleming v. City and County of San Francisco.**

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

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Section 1. The City Attorney is hereby authorized to settle the action entitled Fleming v. City and County of San Francisco, San Francisco Superior Court of California, Case No. CGC 10-501543, by the payment of \$70,000.00, and the City's agreement that plaintiff Damian Fleming will earn a Step 5 salary in his gardener (3417) position at the Department of Public Works, as well as pursuant to the other terms as set forth in the Settlement Agreement.

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Section 2. The above-named action was filed in San Francisco Superior Court of California on July 14, 2010, and the following parties were named in the lawsuit: Damian Fleming, plaintiff; City and County of San Francisco, and Does 1 through 10, inclusive, defendants.

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APPROVED AS TO FORM AND RECOMMENDED:

RECOMMENDED:

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DENNIS J. HERRERA  
City Attorney

COMMISSION SECRETARY

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ELIZABETH S. SALVESON  
Chief Labor Attorney

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MARGARET A. McARTHUR  
Commission Secretary, Rec & Park Dept.

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FUNDS AVAILABLE:

RECOMMENDED:

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BEN ROSENFELD  
Controller

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PHILIP GINSBURG  
Director, Rec & Park Dept.