

1 [Settlement of Lawsuit - New Cingular Wireless, LLC, Donald Sipple, John Simon, Kark
2 Simonsen, and Christopher Jacobs - \$3,038,832]

3 **Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless, LLC,
4 Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs against the City
5 and County of San Francisco for \$3,038,832; the lawsuit was filed on May 27, 2011, in
6 Los Angeles Superior Court, Case No. BC462270; entitled Donald Sipple, et al. v. City
7 Of Alameda, et al.; other material terms of said settlement are dismissal of the cross-
8 complaint filed by the City and County of San Francisco against New Cingular
9 Wireless, LLC, and AT&T Mobility, LLC.**

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

12 Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby
13 authorizes the City Attorney to settle the action entitled Donald Sipple, et al. v. City Of
14 Alameda, et al., Los Angeles Superior Court, Case No. BC462270 by the payment of
15 \$3,038,832 and by dismissal of the cross-complaint filed in the same action by the City and
16 County of San Francisco against New Cingular Wireless LLC and AT&T Mobility LLC.

17 Section 2. The above-named action was filed in Los Angeles Superior Court on
18 May 27, 2011, and the following parties were named in the lawsuit: Plaintiffs New Cingular
19 Wireless LLC, Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs;
20 Defendants City and County of San Francisco, City of Alameda, Alameda County, City of
21 Albany, City of Alhambra, City of Arcadia, City of Arcata, City of Baldwin Park, City of
22 Beaumont, City of Bell, City of Bellflower, City of Benecia, City of Berkeley, City of Burbank,
23 City of Calabasas, City of Cathedral, City of Ceres, City of Chico, City of Chula Vista, City of
24 Citrus Heights, City of Claremont, City of Colton, City of Compton, City of Covina, City of
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1 Cudahy, Culver City, City of Cupertino, Daly City, City of Desert Hot Springs, City of Dinuba,
2 City of Downey, City of East Palo Alto, City of El Cerrito, City of El Monte, City of El Segundo,
3 City of Emeryville, City of Eureka, City of Exeter, City of Fairfax, City of Fairfield, City of
4 Gardena, City of Gilroy, City of Glendale, City of Gonzales, City of Greenfield, City of Grover
5 Beach, City of Guadalupe, City of Gustine, City of Hawthorne, City of Hayward, City of
6 Hercules, City of Hermosa Beach, City of Holtville, City of Huntington Park, City of Huntington
7 Beach, City of Huron, City of Indio, City of Inglewood, City of Irwindale, City of La Habra, City
8 of Lakewood, City of La Palma, City of La Verne, City of Lawndale, City of Lindsey, City of
9 Long Beach, City of Los Alamitos, City of Los Altos, City of Los Angeles, Los Angeles County,
10 City of Lynwood, City of Malibu, City of Mammoth Lakes, City of Maywood, City of Menlo
11 Park, City of Modesto, City of Montclair, City of Monterey, City of Monterey Park, City of
12 Moreno Valley, City of Mountain View, City of Norwalk, City of Oakland, City of Orange Cove,
13 City of Oroville, City of Pacific Grove, City of Palm Springs, City of Palo Alto, City of
14 Paramount, City of Pasadena, City of Pico Rivera, City of Piedmont, City of Pinole, City of
15 Placentia, City of Pleasant Hill, City of Pomona, City of Port Hueneme, City of Porterville, City
16 of Rancho Palos Verdes, City of Redondo Beach, Redwood City, City of Rialto, City of
17 Richmond, City of Riverside, City of Sacramento, City of Salinas, City of San Bernardino, City
18 of San Buenaventura (Ventura), City of San Gabriel, City of San Jose, City of San Leandro,
19 City of San Luis Obispo, City of San Marino, City of San Pablo, City of Sanger, City of Santa
20 Ana, City of Santa Barbara, City of Santa Cruz, City of Santa Monica, City of Seal Beach, City
21 of Seaside, City of Sierra Madre, City of Soledad, City of South Pasadena, City of Stanton,
22 City of Stockton, City of Sunnyvale, City of Torrance, City of Tulare, City of Waterford, City of
23 Watsonville, City of Westminster, City of Whittier, City of Winters, and City of Woodlake;
24 Cross-Defendants New Cingular Wireless LLC and AT&T Mobility LLC.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney



RONALD P. FLYNN
Chief Deputy City Attorney

RECOMMENDED:

Treasurer/Tax Collector



JOSE CISNEROS
Treasurer

FUNDS AVAILABLE:



BEN ROSENFELD
Controller

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City and County of San Francisco
Tails
Ordinance

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

File Number: 151163

Date Passed: December 15, 2015

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless, LLC, Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs against the City and County of San Francisco for \$3,038,832; the lawsuit was filed on May 27, 2011, in Los Angeles Superior Court, Case No. BC462270; entitled Donald Sipple, et al. v. City Of Alameda, et al.; other material terms of said settlement are dismissal of the cross-complaint filed by the City and County of San Francisco against New Cingular Wireless, LLC, and AT&T Mobility, LLC.

December 03, 2015 Government Audit and Oversight Committee - RECOMMENDED AS COMMITTEE REPORT

December 08, 2015 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee and Peskin

December 15, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151163

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/15/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

12/22/15
Date Approved