

1 [Settlement Of Lawsuit]

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3 **Ordinance authorizing offer of settlement of the lawsuit filed by Dillingham**
4 **Construction N.A., Inc. against the City and County of San Francisco for \$350,000.00;**
5 **the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No.**
6 **416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San**
7 **Francisco, et al; other material terms of said settlement are that the settlement amount**
8 **is to be paid through the release of such monies from the retention account for SFIA**
9 **Airport Contract No. 5500.J North Connector Package in exchange for dismissal with**
10 **prejudice of the lawsuit and the waiver of costs and attorneys fees.**

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

13 Section 1. The City Attorney is hereby authorized to offer to settle the action entitled
14 "Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al., San
15 Mateo County Superior Court, Court No. 416236 by the payment of \$350,000.00 and the
16 settlement amount is to be paid through the release of such monies from the retention
17 account for SFIA Airport Contract No. 5500.J North Connector Package in exchange for
18 dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees.

19 Section 2. The above-named action was filed in San Mateo County Superior Court on
20 March 19, 2001, and the following parties were named in the lawsuit:

21 Plaintiff and Cross-defendant, Dillingham Construction N.A., Inc.;

22 Defendant and Cross-complainant, City and County of San Francisco;

23 Cross-defendant, Nielsen Dillingham Builders, Inc.;

24 Defendants, San Luis Gonzaga Construction, Inc. & Brisbane Mechanical Inc. (A Joint
25 Venture);

1 Defendant, Brayer Electric Company; Defendant, Performance Contracting, Inc.;

2 Defendant, WGG Enterprises, Inc. dba Pierce Enterprises, Inc.; and,

3 Defendant, Thyssen Elevator Company dba Thyssen Dover Elevator.

4 APPROVED AS TO FORM AND
5 RECOMMENDED:

RECOMMENDED:

6 DENNIS J. HERRERA
7 City Attorney

AIRPORT COMMISSION

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9 JOANNE HOEPER
Chief Trial Deputy

_____ JOHN MARTIN
Airport Director

10 FUNDS AVAILABLE:

APPROVED:

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_____ JEAN CARAMATTI
Airport Commission Secretary

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EDWARD HARRINGTON
15 Controller

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