

1 [Settlement of Lawsuit]

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3 **Ordinance authorizing settlement of the lawsuit filed by the City and County of San**  
4 **Francisco against Factory Mutual Insurance Company and Bombardier Transportation,**  
5 **Inc. for \$2,750,000 and other consideration; the lawsuit was filed on December 15, 2004,**  
6 **in The United States District Court, Northern District of California, Case No. C 04-5307**  
7 **FMS; entitled City and County of San Francisco, et al., v. Factory Mutual Insurance**  
8 **Company, et al.**

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

11 Section 1. The City Attorney is hereby authorized to settle the action entitled “City and  
12 County of San Francisco v. Factory Mutual Insurance Company, et al.,” United States District  
13 Court for the Northern District of California, Court No. C 04-5307 PJH by making payment  
14 from the City and County of San Francisco to Bombardier, Inc. in the amount of  
15 \$3,275,581.60, receiving payment from Factory Mutual Insurance Company to the City and  
16 County of San Francisco in the amount \$2,750,000.00, and by entering into the negotiated  
17 Operations and Maintenance Agreement for the operation and maintenance of the Air Train,  
18 Airport Contract number 8838.

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1 Section 2. The above-named action was filed in the United States District Court, Northern  
2 District of California on December 15, 2004, and the following parties were named in the  
3 lawsuit: City and County of San Francisco, Plaintiff and Cross-Defendant; Factory Mutual  
4 Insurance Company, Defendant and Cross-Complainant; Bombardier Transportation USA,  
5 Inc., Defendant and Cross-Complainant.

6 APPROVED AS TO FORM AND  
7 RECOMMENDED:

RECOMMENDED:

8 DENNIS J. HERRERA  
9 City Attorney

San Francisco International Airport

10 \_\_\_\_\_  
11 Kathryn Luhe

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John L. Martin  
Airport Director

12 FUNDS AVAILABLE:

APPROVED: Airport Commission

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16 Ben Rosenfield  
17 Controller

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Jean Caramatti  
Secretary  
Airport Commission

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