

1 [Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy
2 Tax]

3 **Motion that the Board of Supervisors convene in closed session on April 23, 2013, for**
4 **the purpose of conferring with, or receiving advice from, Legal Counsel regarding**
5 **existing litigation in which the City is a defendant pursuant to Government Code,**
6 **Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), which permits this**
7 **closed session because discussion in open session concerning this matter would**
8 **likely and unavoidably prejudice the position of the City in the existing litigation.**

9
10 WHEREAS, Government Code, Section 54956.9(a), and Administrative Code, Section
11 67.10(d)(1), allow the Board of Supervisors to convene in closed session to confer with or
12 receive advice from Legal Counsel regarding existing litigation; and

13 WHEREAS, The City and County of San Francisco is a defendant in each of the
14 following consolidated cases:

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16 • Judicial Council Coordinated Proceeding Case No. 4472, Consolidated Action in Los
17 Angeles Superior Court, consolidating, among others, the following actions in which
18 the City is a defendant: *Hotwire Inc. v. City and County of San Francisco, et al.* (San
19 Francisco Superior Court Case No. CGC 09-488289); *Expedia, Inc. v. City and County*
20 *of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-488292);
21 *Priceline.com Inc. et al. v. City and County of San Francisco, et al.* (San Francisco
22 Superior Court Case No. CGC 09-509573); *Travelocity.com, L.P., et al. v. City and*
23 *County of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-
24 489356); and *City and County of San Francisco v. San Francisco Hilton Union*
25 *Square, et al.* (San Francisco Superior Court Case No. CGC-11-510705); and

- 1 • *BHR Operations, LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et*
2 *al. v. City and County of San Francisco* (San Francisco Superior Court Case No.CGC-
3 10-498514, consolidated with San Francisco Superior Court Case No. CGC-10-
4 505526); now, therefore, be it

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6 MOVED, That the Board of Supervisors convene in closed session on April 23, 2013,
7 to consult with Legal Counsel for the purpose of conferring with, or receiving advice from,
8 Legal Counsel regarding existing litigation in each of the following consolidated cases:

- 9
10 • Judicial Council Coordinated Proceeding Case No. 4472, Consolidated Action in Los
11 Angeles Superior Court, consolidating, among others, the following actions in which
12 the City is a defendant: *Hotwire Inc. v. City and County of San Francisco, et al.* (San
13 Francisco Superior Court Case No. CGC 09-488289); *Expedia, Inc. v. City and County*
14 *of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-488292);
15 *Priceline.com Inc. et al. v. City and County of San Francisco, et al.* (San Francisco
16 Superior Court Case No. CGC 09-509573); *Travelocity.com, L.P., et al. v. City and*
17 *County of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-
18 489356); and *City and County of San Francisco v. San Francisco Hilton Union*
19 *Square, et al.* (San Francisco Superior Court Case No. CGC-11-510705); and
20 • *BHR Operations, LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et*
21 *al. v. City and County of San Francisco* (San Francisco Superior Court Case No.CGC-
22 10-498514, consolidated with San Francisco Superior Court Case No. CGC-10-
23 505526).

1 FURTHER MOVED, Government Code Section, 54956.9(a), and Administrative Code,
2 Section 67.10(d)(1), permit this closed session because discussion in open session
3 concerning this matter would likely and unavoidably prejudice the position of the City in the
4 existing litigation.

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City and County of San Francisco

Tails

Motion: M13-058

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

File Number: 130317

Date Passed: April 23, 2013

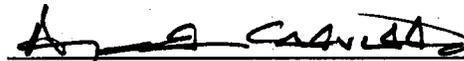
Motion that the Board of Supervisors convene in closed session on April 23, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation in which the City is a defendant pursuant to Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

April 23, 2013 Board of Supervisors - APPROVED

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

File No. 130317

I hereby certify that the foregoing Motion was APPROVED on 4/23/2013 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board