

1 [Settlement of Lawsuit - Mountain Cascade, Inc. - \$3,200,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by Mountain Cascade, Inc.,**
4 **against the City and County of San Francisco for \$3,200,000; the lawsuit was filed on**
5 **June 11, 2013, in San Mateo County Superior Court, Master File No. CIV 519255, entitled**
6 **In re: Mountain Cascade Contract Litigation, related to the Public Utilities**
7 **Commission’s construction of the Bay Division Pipeline No. 5 - Peninsula Reaches**
8 **project.**

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

11 Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby
12 authorizes the City Attorney to settle the action entitled In re: Mountain Cascade Contract
13 Litigation, San Mateo County Superior Court, Master File No. CIV 519255, by the payment of
14 \$3,200,000, including release to Mountain Cascade, Inc. of \$315,036.00 held in an escrow
15 account.

16 Section 2. The above-named action was filed in San ~~Mateo~~Francisco Superior Court
17 against the City and County of San Francisco on June 11, 2013, and consolidated with other
18 related actions, and the following parties were named in the lawsuit: plaintiff Mountain
19 Cascade, Inc.; defendant City and County of San Francisco, and the parties to the other
20 consolidated actions: Lorne Grimes Inspection Services; Chapman’s Welding, Inc.; Jacobs
21 Engineering Group, Inc.; Hanna Engineering, Inc.; Critical Weld Inspections, Inc.; Kleinfelder
22 West, Inc., a subsidiary of The Kleinfelder Group, Inc.; Ferguson Welding Service; Dean’s
23 Certified Welding Service, Inc., all related to the construction of the San Francisco Public
24 Utilities Commission Bay Division Pipeline No. 5 — Peninsula Reaches project.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

ELAINE O'NEIL
Deputy City Attorney
Construction and Public Contracting
Team Leader

FUNDS AVAILABLE:

BEN ROSENFELD
Controller

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RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

HARLAN L. KELLY, JR.
General Manager of the San Francisco
Public Utilities Commission

APPROVED:

DONNA HOOD
Secretary, Public Utilities Commission