

1 [Settlement of Lawsuit - John H. Aspelin and Barbara J. Kaplan-Aspelin - \$199,353]

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3 **Ordinance authorizing settlement of the lawsuit filed by John H. Aspelin and Barbara J.**
4 **Kaplan-Aspelin against the City and County of San Francisco for \$199,353; the lawsuit**
5 **was filed on December 29, 2016, in San Francisco Superior Court, Case No. CGC-16-**
6 **556207; entitled John H. Aspelin and Barbara J. Kaplan-Aspelin v. City and County of**
7 **San Francisco and Does 1 Through 50, Inclusive; the lawsuit involves damage to real**
8 **property and personal property caused by an alleged flooding event at 1 Justin Drive;**
9 **and appropriating San Francisco Public Utilities Commission funds for payment of the**
10 **settlement amount.**

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

13 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
14 authorizes the City Attorney to settle the action entitled John H. Aspelin and Barbara J.
15 Kaplan-Aspelin v. City and County of San Francisco and Does 1 Through 50, Inclusive, San
16 Francisco Superior Court, Case No. CGC-16-556207 by the payment of \$199,353. The
17 lawsuit involves damage to real property and personal property caused by an alleged flooding
18 event at 1 Justin Drive.

19 Section 2. The above-named action was filed in San Francisco Superior Court on
20 December 29, 2016, and the following parties were named in the lawsuit: John H. Aspelin
21 and Barbara J. Kaplan-Aspelin, Plaintiffs, City and County of San Francisco and Does 1
22 Through 50, Inclusive, Defendants.

23 Section 3. The source of funding herein appropriated for use by the San Francisco
24 Public Utilities Commission (SFPUC) for purposes of this settlement payment is the SFPUC
25 Wastewater Enterprise fund balance.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

CHERYL ADAMS
Chief Trial Deputy

FUNDS AVAILABLE:

BEN ROSENFELD
Controller

RECOMMENDED:

PUBLIC UTILITIES COMMISSION

HARLAN L. KELLY, JR.
General Manager

APPROVED:

DONNA HOOD
Commission Secretary

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