

File No. 210987

Committee Item No. 11

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: Oct. 7, 2021

Board of Supervisors Meeting:

Date: \_\_\_\_\_

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- Introduction Form
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- Award Letter
- Application
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#### OTHER

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- \_\_\_\_\_
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Prepared by: John Carroll

Date: Oct. 1, 2021

Prepared by: John Carroll

Date: \_\_\_\_\_

Prepared by: John Carroll

Date: \_\_\_\_\_

1 [Settlement of Lawsuit - John and Janice Gumas - \$225,000]

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3 **Ordinance authorizing partial settlement of the lawsuit filed by John and Janice Gumas**  
4 **against the City and County of San Francisco for \$225,000; the lawsuit was filed on**  
5 **August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled**  
6 **David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse**  
7 **condemnation arising out of flooding damage during major rainstorms in December of**  
8 **2014; this settlement relates only to the diminution of real property value claims of**  
9 **plaintiffs John and Janice Gumas, and does not include claims for property loss or for**  
10 **attorney's fees, costs and interest.**

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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 in part, and only as to plaintiffs John and Janice Gumas,  
15 the action entitled David Alfaro, et al. v. City and County of San Francisco, San Francisco  
16 Superior Court, Case No. CGC-15-547492 by the payment of \$225,000 to plaintiffs John and  
17 Janice Gumas. The lawsuit involves inverse condemnation arising out of flooding damage  
18 during major rainstorms in December of 2014.

19 Section 2. The above-named action was filed in San Francisco Superior Court on  
20 August 20, 2015. This is an action brought by owners or occupants of several dozen  
21 properties located in San Francisco against defendant City and County of San Francisco.

22 Section 3. This is a partial settlement of the action. It resolves the diminution of real  
23 property value claims of commercial property owning plaintiffs John and Janice Gumas. The  
24 parties have previously, separately settled the personal and real property damage claims of all  
25 property owners and diminution in value claims of residential property owners in this action.

1 The parties will subsequently and separately address all claims for statutory attorney's fees  
2 relating to this action.

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APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney

/s/ Meredith B. Osborn  
MEREDITH B. OSBORN  
Chief Trial Deputy

FUNDS AVAILABLE:

/s/Ben Rosenfield  
BEN ROSENFELD  
Controller

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

/s/  
MICHAEL CARLIN  
Acting General Manager

APPROVED:

/s/  
DONNA HOOD  
Secretary, Public Utilities Commission

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