

1 [SETTLEMENT OF LAWSUIT]

2 AUTHORIZING THE SETTLEMENT OF THE CROSS-COMPLAINTS OF THE CITY AND
3 COUNTY OF SAN FRANCISCO AGAINST CROSS-DEFENDANTS A. RUIZ
4 CONSTRUCTION COMPANY ("RUIZ"), HALEY & ALDRICH ("HALEY"), EPC
5 CONSULTANTS, INC. ("EPC"), AND UNDERGROUND CONSTRUCTION MANAGERS
6 ("UNDERGROUND"), IN THE CONSOLIDATED ACTIONS ENTITLED *YEE V. CITY AND*
7 *COUNTY OF SAN FRANCISCO, AND CONSOLIDATED ACTIONS, SAN FRANCISCO*
8 SUPERIOR COURT NO. 980-740, FOR A COMBINED SETTLEMENT PAYMENT TO THE
9 CITY IN THE AMOUNT OF \$7,816,666;

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11 Section 1. The City Attorney is hereby authorized to settle the cross-complaints of the
12 City and County of San Francisco against Cross-defendants A. Ruiz Construction Company
13 ("Ruiz"), Haley & Aldrich ("Haley"), EPC Consultants, Inc. ("EPC"), and Underground
14 Construction Managers ("Underground") in the consolidated actions entitled *Yee v. City and*
15 *County of San Francisco, and consolidated actions, San Francisco Superior Court No. 980-*
16 *740, for a combined settlement payment to the City in the amount of \$7,816,666, plus an*
17 *additional payment by Haley to the City to reimburse the City for a portion of its litigation costs*
18 *incurred in defense of the third-party claims in the referenced litigation. As consideration for*
19 *this settlement, the City has agreed to dismiss with prejudice its cross-complaint against Ruiz,*
20 *Haley, EPC, and Underground in the referenced litigation. Ruiz, Haley, EPC, and*
21 *Underground, likewise, have agreed to dismiss with prejudice their cross-complaints against*
22 *the City in the referenced litigation. The City will continue to maintain its rights to pursue its*
23 *action against contractors Shank Balfour/Beatty and its insurance carriers.*
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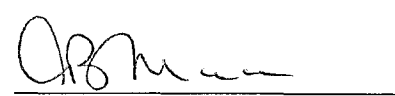
APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: 
PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

PUBLIC UTILITIES COMMISSION

By: 
ANSON MORAN
General Manager

FUNDS AVAILABLE:

By: N/A
EDWARD HARRINGTON
Controller

Board of Supervisors, San Francisco

Passed on First Reading

August 17, 1998

Ayes: Supervisors Ammiano Bierman
Brown Katz Kaufman Leno Medina
Newsom Yaki Yee

Absent: Supervisor Teng

§ Finally Passed

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§ August 24, 1998

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§ Ayes: Supervisors Ammiano Bierman
§ Brown Kaufman Leno Medina Newsom
§ Yaki Yee

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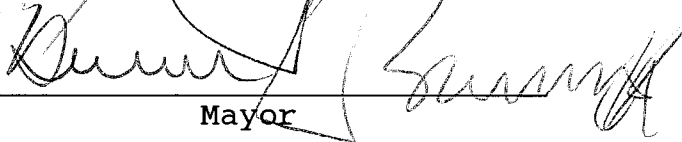
§ Absent: Supervisor Katz Teng

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco


Clerk

File No.
98-1237

AUG 28 1998
Date Approved


Mayor