

1 [Settlement of City's Lawsuit Against Enserco Energy, Inc.]

2
3 **Ordinance authorizing partial settlement of the lawsuit filed by the City and County of**
4 **San Francisco against defendant Sempra Energy and other companies; the lawsuit**
5 **entitled *City and County of San Francisco v. Sempra Energy, et al.* (JCCP No. 4221-**
6 **00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust**
7 **Cases I, II, III & IV in the Superior Court of the State of California for the County of San**
8 **Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides \$750,000 from**
9 **defendant Enserco Energy, Inc. to the City and County of San Francisco and the other**
10 **plaintiffs, which will be used to prosecute the cases against the remaining defendants.**

11
12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. The City Attorney and retained outside counsel Cotchett, Pitre & McCarthy
14 (the "Cotchett Firm") are hereby authorized to settle in part the action entitled *City and County*
15 *of San Francisco v. Sempra Energy, et al.* in the Superior Court of the State of California for
16 the County of San Diego (JCCP No. 4221-00023). The City Attorney and the Cotchett Firm
17 may settle the claims of the City and County of San Francisco ("City") against defendant
18 Enserco Energy, Inc. ("Enserco") by entering into a settlement agreement with Enserco. The
19 City's litigation against the remaining defendants in Natural Gas Anti-Trust Cases I, II, III & IV
20 will continue. The City will not receive any of the settlement funds. The primary benefit to the
21 City from the settlement will be to provide funds to enable the City and the other plaintiffs to
22 continue to prosecute these cases against the other defendants.

23 Section 2. The above-named action was filed in the Superior Court for the State of
24 California, County of San Francisco on June 8, 2004 and has been coordinated as Natural
25 Gas Anti-Trust Cases I, II, III & IV in the Superior Court for the State of California, County of

1 San Diego, JCCP Nos. 4221, 4224, 4226, and 4228. The following parties are plaintiffs in the
2 coordinated lawsuits: City of San Diego, the Counties of Alameda, San Diego, San Mateo,
3 Santa Clara, the Regents of the University of California, the Board of Trustees of the
4 California State University, the Sacramento Municipal Utility District, the Association of Bay
5 Area Governments Publicly Owned Energy Resources, and a number of private entities.
6 More than a dozen entities have been named as defendants, including defendant Enserco.

7

8 APPROVED AS TO FORM AND
9 RECOMMENDED:

9

10 DENNIS J. HERRERA
11 City Attorney

11

12 _____
13 William K. Sanders
14 Deputy City Attorney

14

15

16

17

18

19

20

21

22

23

24

25