

1 [Settlement of Lawsuit]  
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4 Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture  
5 ("Joint Venture") against the City and County of San Francisco (the "City") seeking an  
6 unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc.  
7 against the Joint Venture on May 28, 2003 as *JMB Construction, Inc. v. Transdyn/Cresci*  
8 *Joint Venture et al.* Various cross-actions were filed, including an action filed by the  
9 Joint Venture against the City. The actions were coordinated as the SCADA cases in  
10 Alameda County Superior Court, JCCP 004364. The action between the Joint Venture  
11 and the City went to trial. The jury awarded a net judgment to the Joint Venture, and  
12 the trial court entered judgment (including costs) against the City in the amount of  
13 \$4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The  
14 material terms of this settlement are: 1) The City will pay a total of \$4,973,143.27 to the  
15 Joint Venture for the judgment and interest on the judgment; and 2) The City will pay  
16 \$950,000 to settle all remaining issues, including the Joint Venture's claim for  
17 attorney's fees.  
18

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

20 Section 1. The City Attorney is hereby authorized to settle the action entitled *JMB*  
21 *Construction v. Transdyn/Cresci Joint Venture et al. (the SCADA Cases)*, Alameda County  
22 Superior Court Case No. JCCP 004364, as follows:  
23  
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25 OFFICE OF THE CITY ATTORNEY

BOARD OF SUPERVISORS

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4/17/2009

FILE NO.

ORDINANCE NO.

1) The City will pay \$4,973,143.27 as judgment and interest on the jury verdict broken down as follows:

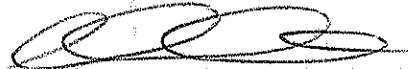
- a) On the judgment of \$4,873,200.16, and
- b) Interest of \$99,943.11.

2) The City will pay an additional \$950,000 in settlement of all appellate claims, including any claims for attorney's fees.

Section 2. The above-named actions were coordinated in the Alameda County Superior Court with other actions on or about July 1, 2004. The following parties remained in the lawsuits: 1) Transdyn/Cresci Joint Venture (cross-complainant and cross-defendant), and 2) the City And County of San Francisco (cross-defendant and cross-complainant).

APPROVED AS TO FORM AND RECOMMENDED:


DENNIS J. HERRERA  
City Attorney



DANNY CHOU  
Supervising Deputy City Attorney

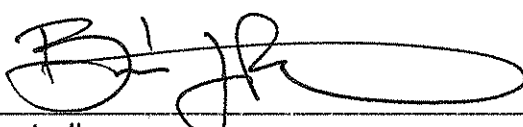
RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION



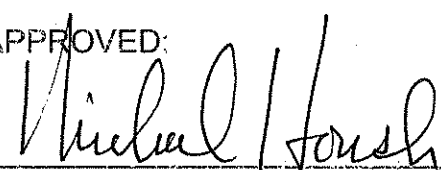
Edward Harrington  
General Manager

FUNDS AVAILABLE:



Controller  
BEN ROSENFELD

APPROVED:



SECRETARY  
SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

OFFICE OF THE CITY ATTORNEY

BOARD OF SUPERVISORS



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

## Ordinance

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**File Number:** 090501

**Date Passed:**

Ordinance authorizing settlement of lawsuits filed by Transdyn/Cresci Joint Venture ("Joint Venture") against the City and County of San Francisco (the "City") seeking an unspecified amount of damages; the first lawsuit was filed by JMB Construction, Inc. against the Joint Venture on May 28, 2003, as JMB Construction, Inc. v. Transdyn/Cresci Joint Venture et al. Various cross-actions were filed, including an action filed by the Joint Venture against the City. The actions were coordinated as the SCADA cases in Alameda County Superior Court, JCCP 004364. The action between the Joint Venture and the City went to trial. The jury awarded a net judgment to the Joint Venture, and the trial court entered judgment (including costs) against the City in the amount of \$4,874,200.16. Cross-appeals were filed by both the Joint Venture and the City. The material terms of this settlement are: 1) The City will pay a total of \$4,973,143.27 to the Joint Venture for the judgment and interest on the judgment; and 2) The City will pay \$950,000 to settle all remaining issues, including the Joint Venture's claim for attorney's fees.

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June 16, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell,  
Mirkarimi

Excused: 1 - Elsbernd

June 23, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar,  
Maxwell, Mirkarimi

File No. 090501

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on June 23, 2009 by  
the Board of Supervisors of the City and  
County of San Francisco.

*Angela Calvillo*

Angela Calvillo  
Clerk of the Board

*7-2-09*

Date Approved

*[Signature]*  
Mayor Gavin Newsom