

1 [Settlement Of Lawsuit]
2

3 **Ordinance authorizing settlement of the lawsuit filed by Dillingham Construction N.A.**
4 **against the City and County of San Francisco for \$2,400,000.00; the lawsuit was filed on**
5 **March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled**
6 **Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al;**
7 **other material terms of said settlement are that the settlement amount is to be paid in**
8 **part through the release of \$1,050,000.00 from an unpaid progress payment and the**
9 **retention account held for SFIA Airport Contract No. 5500.J North Connector Package**
10 **in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and**
11 **attorneys fees.**
12

13 Section 1. The City Attorney is hereby authorized to settle the action entitled
14 "Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al., San
15 Mateo County Superior Court, Court No. 416236 by the payment of \$2,400,000.00 in
16 exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys
17 fees.

18 Section 2. The above-named action was filed in San Mateo County Superior Court on
19 March 19, 2001, and the following parties were named in the lawsuit:

20 Plaintiff and Cross-defendant, Dillingham Construction N.A., Inc.;

21 Defendant and Cross-complainant, City and County of San Francisco;

22 Cross-defendant, Nielsen Dillingham Builders, Inc.;

23 Defendants, San Luis Gonzaga Construction, Inc. & Brisbane Mechanical Inc. (A Joint
24 Venture);

25 Defendant, Brayer Electric Company; Defendant, Performance Contracting, Inc.;

1 Defendant, WGG Enterprises, Inc. dba Pierce Enterprises, Inc.; and,
2 Defendant, Thyssen Elevator Company dba Thyssen Dover Elevator.


3 APPROVED AS TO FORM AND
4 RECOMMENDED:

5 DENNIS J. HERRERA
6 City Attorney

7 
8 THERESE M. STEWART
9 Chief Deputy City Attorney

RECOMMENDED:


AIRPORT COMMISSION

10  25-M
11 JOHN MARTIN
12 Airport Director

13 FUNDS AVAILABLE:

14 
15 EDWARD HARRINGTON
16 Controller

APPROVED:

17 
18 JEAN CARAMATTI
19 Airport Commission Secretary

20 AIR057XA0F.06C00
21 CAC057



City and County of San Francisco

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

Tails Ordinance

File Number: 031013

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by Dillingham Construction N.A. against the City and County of San Francisco for \$2,400,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid in part through the release of \$1,050,000.00 from an unpaid progress payment and the retention account held for SFIA Airport Contract No. 5500.J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees.

June 24, 2003 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval

Excused: 2 - Maxwell, McGoldrick


July 8, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Peskin, Sandoval

Excused: 1 - Newsom

File No. 031013


I hereby certify that the foregoing Ordinance
was FINALLY PASSED on July 8, 2003 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

JUL 18 2003

Date Approved



Mayor Willie L. Brown Jr.