

1 [Partial Settlement of Lawsuit]

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3 **Ordinance authorizing settlement of the lawsuit filed by the City and County of San**
4 **Francisco against AON Risk Services of New York, Inc. for \$220,000; San Francisco's**
5 **causes of action against AON were filed on February 15, 2006, and constitute part of**
6 **the coordinated proceeding entitled Jail No. 3 Replacement Project Cases, JCCP Case**
7 **No: 4422, venued in San Mateo Superior Court; other material terms of said settlement**
8 **are that San Francisco and AON will execute a mutual release, San Francisco will**
9 **execute and file dismissals of all claims with prejudice, San Francisco and AON will**
10 **each bear their own fees and costs of suit, AON will provide reasonable cooperation to**
11 **San Francisco in regards to evidence that San Francisco may need for the case against**
12 **ACMI and its related entities in the on-going litigation, and the settlement does not**
13 **constitute an admission of liability regarding any claim.**

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

15 Section 1. The City Attorney is hereby authorized to settle those causes of action
16 asserted by San Francisco against AON Risk Services of New York, Inc. ("AON") in the
17 coordinated proceeding entitled "Jail No. 3 Replacement Project Cases, San Mateo County,
18 JCCP Case No: 4422" upon the following material terms:

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- 20 • AON will pay San Francisco \$220,000;
 - 21 • San Francisco and AON will execute a mutual release;
 - 22 • San Francisco will execute and file dismissals with prejudice of all claims asserted
23 against AON;
 - 24 • San Francisco and AON will each bear their own fees and costs of suit;
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- 1 • AON will provide reasonable cooperation to San Francisco in regards to evidence
2 that San Francisco may need for the case against ACMI and its related entities in
3 the on-going litigation; and
- 4 • The settlement does not constitute an admission of liability regarding any claim.

5 Section 2. The causes of action being settled are part of a coordinated proceeding
6 entitled Jail No. 3 Replacement Project Cases, JCCP Case No: 4422, venued in San Mateo
7 Superior Court. San Francisco filed its causes of action against AON on February 15, 2006.
8 San Francisco's lawsuit also includes causes of action against the following additional
9 defendants: AMEC Construction Management, Inc. ("ACMI"), AMEC plc, AMEC Inc.,
10 Seaboard Surety Company, American Home Assurance Company, Travelers Casualty and
11 Surety Company of America, and St. Paul Fire and Marine Insurance Company. The
12 coordinated proceeding also includes causes of action by ACMI against San Francisco. The
13 causes of action filed by San Francisco against defendants other than AON are not resolved
14 and are not part of this proposed settlement. The causes of action filed by ACMI against San
15 Francisco are not resolved and are not part of this proposed settlement.

16 APPROVED AS TO FORM AND
17 RECOMMENDED:

18 DENNIS J. HERRERA
19 City Attorney

20 _____
21 JOANNE HOEPER
22 Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

23 _____
24 Fred V. Abadi, Ph. D.
25 Director