

1 [Closed Session - Existing Litigation - Contest Promotions, LLC - City to Receive \$375,000]

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3 **Motion that the Board of Supervisors convene in closed session on June 10, 2014, for**
4 **the purpose of conferring with, or receiving advice from the City Attorney regarding**
5 **existing litigation relating to the lawsuit filed on September 22, 2009, in the United**
6 **States District Court for the Northern District of California, Case No. CV-09-4434 SI**
7 **(MEJ); entitled Contest Promotions, LLC, v. City of San Francisco, et al.; in which the**
8 **City is a defendant; pursuant to California Government Code, Section 54956.9(a), and**
9 **San Francisco Administrative Code, Section 67.10(d)(1), which permits this closed**
10 **session because discussion in open session concerning this matter would likely and**
11 **unavoidably prejudice the position of the City in the existing litigation.**

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13 WHEREAS, California Government Code, Section 54956.9(a), and San Francisco
14 Administrative Code, Section 67.10(d)(1), allow the Board of Supervisors to convene in closed
15 session to confer with or receive advice from Legal Counsel regarding existing litigation; and

16 WHEREAS, The City and County of San Francisco is a defendant in the lawsuit filed on
17 September 22, 2009, in the United States District Court for the Northern District of California,
18 Case No. CV-09-4434 SI (MEJ); entitled Contest Promotions, LLC v. City of San Francisco, et
19 al.; and

20 WHEREAS, On June 17, 2014, the Board of Supervisors will consider an Ordinance
21 (Board File No. 140371) approving the settlement of the lawsuit, under which Contest
22 Promotions, LLC, will pay the City \$375,000 and the parties will resolve Notices of Violation
23 for unpermitted general advertising signs; now, therefore, be it

24 MOVED, That the Board of Supervisors convene in closed session on June 10, 2014,
25 for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing

1 litigation in the lawsuit filed on September 22, 2009, in the United States District Court for the
2 Northern District of California, Case No. CV-09-4434 SI (MEJ); entitled Contest Promotions,
3 LLC v. City of San Francisco, et al.

4 FURTHER MOVED, That Government Code Section, 54956.9(a), and Administrative
5 Code, Section 67.10(d)(1), permit this closed session because discussion in open session
6 concerning this matter would likely and unavoidably prejudice the position of the City in the
7 existing litigation.

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City and County of San Francisco
Tails
Motion: M14-093

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

File Number: 140661

Date Passed: June 10, 2014

Motion that the Board of Supervisors convene in closed session on June 10, 2014, for the purpose of conferring with, or receiving advice from the City Attorney regarding existing litigation relating to the lawsuit filed on September 22, 2009, in the United States District Court for the Northern District of California, Case No. CV-09-4434 SI (MEJ); entitled Contest Promotions, LLC v. City of San Francisco, et al.; in which the City is a defendant; pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

June 10, 2014 Board of Supervisors - APPROVED

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Kim, Mar, Tang, Wiener and Yee
Absent: 1 - Farrell

File No. 140661

I hereby certify that the foregoing Motion was APPROVED on 6/10/2014 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in black ink, appearing to read "Angela Calvillo", written over a horizontal line.

Angela Calvillo
Clerk of the Board