

1 [Settlement of business tax lawsuit.]

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3 **Ordinance authorizing settlement of the lawsuit filed by Morgan Stanley Dean Witter &**
4 **Co. Inc. versus the City and County of San Francisco by payment of a total amount not**
5 **to exceed \$1,200,000.00; the lawsuit was filed on June 22, 2001 in San Francisco**
6 **Superior Court, Case No. 322-341, entitled Morgan Stanley Dean Witter & Co. Inc., et. al.**
7 **v. City and County of San Francisco; the settlement includes any claims for the 2000**
8 **tax year and plaintiffs shall not file any claims for refunds pursuant to Section 1021 of**
9 **Article 12B of the San Francisco Business and Tax Regulations Code.**

10 Note: Additions are *single-underline italics Times New Roman*;
11 deletions are *strikethrough italics Times New Roman*.
12 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. The City Attorney is hereby authorized to settle the court action entitled
15 Morgan Stanley Dean Witter & Co. Inc., et. al. v. City and County of San Francisco, San
16 Francisco Superior Court No. 322-341 by payment of a total amount not to exceed
17 \$1,200,000.00. The settlements shall include any claims for the 2000 tax year, and plaintiffs
18 shall agree not to file any claims for refunds otherwise due pursuant to Section 1021 of Article
19 12B of the San Francisco Business and Tax Regulations Code. Plaintiffs may file timely
20 refund claims for tax credits with regard to year 2000 payroll taxes pursuant to Sections 906
21 through 906E of Article 12B of the San Francisco Business and Tax Regulations Code. These
22 claims, if any, will be processed by the City on their own merits.

23 Section 2. The Morgan Stanley lawsuit was filed in San Francisco Superior Court on
24 June 22, 2001, and the following parties were named in the lawsuit: Morgan Stanley Dean
25 Witter & Co. Inc., a Delaware Corporation, Morgan Stanley & Co. Inc., a Delaware

1 Corporation, Morgan Stanley DW Inc., a Delaware Corporation, and Morgan Stanley Realty
2 Inc., a Delaware Corporation, as plaintiffs and the City and County of San Francisco, as
3 defendant.

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5 APPROVED AS TO FORM:
6 LOUISE H. RENNE, City Attorney

7 By: _____
8 D. Malcolm Carson
9 Deputy City Attorney

10 FUNDS AVAILABLE:

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12 _____
13 EDWARD HARRINGTON
14 Controller

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