

1 [Settlement of Lawsuit - Digital Realty Trust, Inc. - \$1,858,150.71]

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3 **Ordinance authorizing settlement of the lawsuit filed by Digital Realty Trust, Inc.**
4 **against the City and County of San Francisco for \$1,858,150.71; the lawsuit was filed on**
5 **April 18, 2023, in San Francisco Superior Court, Case No. CGC-23-605912, entitled**
6 **Digital Realty Trust, Inc. v. City and County of San Francisco et al.; the lawsuit involves**
7 **a claim for refund of Early Care and Education Commercial Rents Tax and**
8 **Homelessness Gross Receipts Tax; an additional material term of the settlement is that**
9 **Digital Realty Trust, Inc. and its related entities shall take certain filing positions with**
10 **respect to their Early Care and Education Commercial Rents Taxes for tax year 2021**
11 **and subsequent tax years.**

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

14 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
15 authorizes the City Attorney to settle the action entitled Digital Realty Trust, Inc. v. City and
16 County of San Francisco et al., San Francisco Superior Court, Case No. CGC-23-605912 by
17 the payment of \$1,858,150.71 and agreement that Digital Realty Trust, Inc. and its related
18 entities will take certain filing positions with respect to their Early Care and Education
19 Commercial Rents Taxes for tax year 2021 and subsequent tax years. The lawsuit involves a
20 claim for refund of Early Care and Education Commercial Rents Tax and Homelessness
21 Gross Receipts Tax.

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23 Section 2. The above-named action was filed in San Francisco Superior Court on
24 April 18, 2023, and the following parties were named in the lawsuit: Plaintiff Digital Realty
25 Trust, Inc., and defendants City and County of San Francisco, and Does 1 through 100.

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APPROVED AS TO FORM AND
RECOMMENDED:

DAVID CHIU
City Attorney

/s/ Scott M. Reiber
SCOTT M. REIBER
Chief Tax Attorney

RECOMMENDED:

Office of the Treasurer and Tax Collector

/s/
JOSE CISNEROS
Treasurer

FUNDS AVAILABLE:

/s/ Michelle Allersma for Ben Rosenfield
BEN ROSENFIELD
Controller

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City and County of San Francisco
Tails
Ordinance

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

File Number: 230794

Date Passed: October 17, 2023

Ordinance authorizing settlement of the lawsuit filed by Digital Realty Trust, Inc. against the City and County of San Francisco for \$1,858,150.71; the lawsuit was filed on April 18, 2023, in San Francisco Superior Court, Case No. CGC-23-605912, entitled Digital Realty Trust, Inc. v. City and County of San Francisco et al.; the lawsuit involves a claim for refund of Early Care and Education Commercial Rents Tax and Homelessness Gross Receipts Tax; an additional material term of the settlement is that Digital Realty Trust, Inc. and its related entities shall take certain filing positions with respect to their Early Care and Education Commercial Rents Taxes for tax year 2021 and subsequent tax years.

September 21, 2023 Government Audit and Oversight Committee - RECOMMENDED..

October 03, 2023 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

October 17, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230794

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/17/2023 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

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10/27/23 JP

Date Approved