

1 [Settlement of Lawsuit – Icenogle IMR Joint Venture - \$1,330,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by Icenogle IMR Joint Venture**
4 **against the City and County of San Francisco for \$1,330,000; the lawsuit was filed on**
5 **September 24, 2007, in San Francisco County Superior Court, and subsequently**
6 **transferred to Alameda County Superior Court, Case No. RG08391219; entitled Icenogle**
7 **IMR Joint Venture v. City and County of San Francisco, et al.; other material terms of**
8 **said settlement are: (1) mutual releases except for latent defects, (2) dismissal of all**
9 **complaints and cross-complaints with prejudice, (3) each side to bear its own attorneys**
10 **fees and costs, and (4) plaintiff to be responsible for resolving outstanding stop**
11 **notices.**

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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 action entitled "Icenogle
15 IMR Joint Venture, v. City and County of San Francisco, et al., Alameda County Superior
16 Court, Case No. RG08391219 by the release of retention and contract balance of \$547,000
17 and the additional payment of \$783,000 for a total of \$1,330,00; mutual releases except for
18 latent defects, dismissals of all complaints and cross complaints with prejudice, each side to
19 bear its own attorneys fees and costs, and the plaintiff to be responsible for resolving
20 outstanding stop notices.

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1 Section 2. The above-named action was filed in San Francisco County Superior Court
2 on September 24, 2007 and subsequently transferred to Alameda County Superior Court, and
3 the following parties were named in the lawsuit: Icenogle IMR Joint Venture, plaintiff and
4 cross-defendant; City and County of San Francisco, defendant and cross-complainant; and,
5 International Fidelity Insurance Company, cross-defendant.

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8 APPROVED AS TO FORM AND
RECOMMENDED:

RECOMMENDED:

9 DENNIS J. HERRERA
10 City Attorney

Recreation & Park Department

11 _____
12 GEORGE WONG
Deputy City Attorney

13 _____
14 PHILIP GINSBURG
General Manager

15 FUNDS AVAILABLE:

APPROVED:

16 _____
17 BEN ROSENFELD
18 Controller

19 _____
20 MARGARET McARTHUR, Secretary
21 RECREATION & PARK COMMISSION