

File No. 200870

Committee Item No. 20

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: August 20, 2020

Board of Supervisors Meeting:

Date: \_\_\_\_\_

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- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
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- Application
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#### OTHER

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- \_\_\_\_\_
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Prepared by: John Carroll

Date: August 14, 2020

Prepared by: John Carroll

Date: \_\_\_\_\_

1 [Partial Settlement of Lawsuit - Elaine Choy - \$221,150]

2

3 **Ordinance authorizing partial settlement of the lawsuit filed by Elaine Choy against the**  
4 **City and County of San Francisco for \$221,150; the lawsuit was filed on**  
5 **August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled**  
6 **David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse**  
7 **condemnation arising out of flooding damage during major rainstorms in December**  
8 **of 2014; this settlement relates only to the diminution of real property value claims of**  
9 **plaintiff Elaine Choy, and does not include claims for property loss or for attorney's**  
10 **fees, costs and interest.**

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

13 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
14 authorizes the City Attorney to settle in part, and only as to plaintiff Elaine Choy, the action  
15 entitled David Alfaro, et al. v. City and County of San Francisco, San Francisco Superior  
16 Court, Case No. CGC-15-547492 by the payment of \$221,500 to plaintiff Elaine Choy. The  
17 lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms  
18 in December of 2014.

19 Section 2. The above-named action was filed in San Francisco Superior Court on  
20 August 20, 2015. This is an action brought by owners or occupants of several dozen  
21 properties located in San Francisco against defendant City and County of San Francisco.

22 Section 3. This is a partial settlement of the action. It resolves the diminution of real  
23 property value claims of plaintiff Elaine Choy. The parties have previously, separately settled  
24 the personal and real property damage claims of plaintiff Elaine Choy in this action, and will

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1 subsequently and separately address all claims for statutory attorney's fees relating to this  
2 action.

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APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney

/s/ Meredith B. Osborn  
MEREDITH B. OSBORN  
Chief Trial Deputy

FUNDS AVAILABLE:

/s/Ben Rosenfield  
BEN ROSENFELD  
Controller

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RECOMMENDED:

PUBLIC UTILITIES COMMISSION

/s/  
HARLAN L. KELLY, JR.  
General Manager

APPROVED:

/s/  
DONNA HOOD  
Secretary, Public Utilities Commission