

File No. 100958

Committee Item No. 13
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date August 5, 2010

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Youth Commission Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER

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Completed by: Linda Wong

Date July 30, 2010

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

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

2
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.

12
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.
6

7
8 APPROVED AS TO FORM AND
RECOMMENDED:

9 DENNIS J. HERRERA
10 City Attorney

11 See File for Signature
GEORGE WONG
12 Deputy City Attorney

13 FUNDS AVAILABLE:

14 See File for Signature
15 BEN ROSENFELD
Controller

RECOMMENDED:

Recreation & Park Department

16 See File for Signature
17 PHILIP GINSBURG
18 General Manager

19 APPROVED:

20 See File for Signature
21 MARGARET McARTHUR, Secretary
22 RECREATION & PARK COMMISSION
23
24
25