

1 [Settlement Of Lawsuit]

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3 **Ordinance authorizing settlement of the lawsuit filed by Dillingham Construction N.A.**  
4 **against the City and County of San Francisco for \$2,400,000.00; the lawsuit was filed on**  
5 **March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled**  
6 **Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al;**  
7 **other material terms of said settlement are that the settlement amount is to be paid in**  
8 **part through the release of \$1,050,000.00 from an unpaid progress payment and the**  
9 **retention account held for SFIA Airport Contract No. 5500.J North Connector Package**  
10 **in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and**  
11 **attorneys fees.**

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13 Section 1. The City Attorney is hereby authorized to settle the action entitled  
14 "Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al., San  
15 Mateo County Superior Court, Court No. 416236 by the payment of \$2,400,000.00 in  
16 exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys  
17 fees.

18 Section 2. The above-named action was filed in San Mateo County Superior Court on  
19 March 19, 2001, and the following parties were named in the lawsuit:

20 Plaintiff and Cross-defendant, Dillingham Construction N.A., Inc.;

21 Defendant and Cross-complainant, City and County of San Francisco;

22 Cross-defendant, Nielsen Dillingham Builders, Inc.;

23 Defendants, San Luis Gonzaga Construction, Inc. & Brisbane Mechanical Inc. (A Joint  
24 Venture);

25 Defendant, Brayer Electric Company; Defendant, Performance Contracting, Inc.;

1 Defendant, WGG Enterprises, Inc. dba Pierce Enterprises, Inc.; and,  
2 Defendant, Thyssen Elevator Company dba Thyssen Dover Elevator.

3 APPROVED AS TO FORM AND  
4 RECOMMENDED:

RECOMMENDED:

5 DENNIS J. HERRERA  
6 City Attorney

AIRPORT COMMISSION

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8 THERESE M. STEWART  
9 Chief Deputy City Attorney

\_\_\_\_\_ JOHN MARTIN  
Airport Director

10 FUNDS AVAILABLE:

APPROVED:

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14 EDWARD HARRINGTON  
15 Controller

\_\_\_\_\_ JEAN CARAMATTI  
16 Airport Commission Secretary

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