

File No. **111287**

Committee Item No. 8
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 12/8/11

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

(Use back side if additional space is needed)

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Completed by: Linda Wong

Date 12/5/11

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 - Mitchell Engineering/Obayashi Corporation, JV - \$14,950,000]

2
3 **Ordinance authorizing settlement of the lawsuit entitled *Mitchell Engineering /Obayashi***
4 ***Corp. JV v. City and County of San Francisco, et al., and related cross-actions., Santa***
5 ***Clara County Superior Court Case No. 1-08-CV-116915 by payment of \$14,950,000 from***
6 ***the City to MEOC.***

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

8 Section 1. The City Attorney is hereby authorized to settle the action entitled *Mitchell*
9 *Engineering /Obayashi Corp. JV ("MEOC") v. City and County of San Francisco ("City"), et al.,*
10 *and related cross-actions., Santa Clara County Superior Court Case No. 1-08-CV-116915, by*
11 *(a) payment of \$14,950,000 from the City to MEOC; (b) complete releases of all claims*
12 *against all parties, and dismissal with prejudice of all lawsuits, with the exception the*
13 *exception of claims for latent defects and third-party claims; (c) assignment by MEOC to the*
14 *City of all rights under the Fibrebond Corporation – Shelters' 10-year limited structural*
15 *warranty, and B&B Roadway's VW4 RVW Warning Gate 5-year warranty; and (d) all parties to*
16 *bear their own costs and fees arising from the action.*

17 Section 2. DPW is hereby directed to apply for any eligible reimbursement from
18 Caltrans.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney



Ronald P. Flynn
Deputy City Attorney

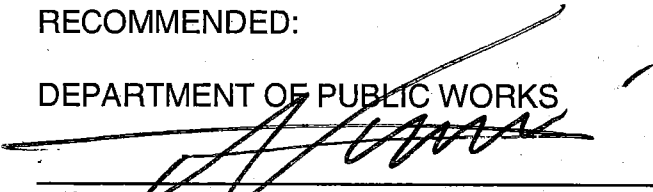
FUNDS AVAILABLE:



BEN ROSENFELD
Controller

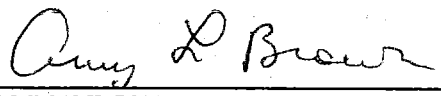
RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS



MOHAMMED NURU
Interim Director
Department of Public Works

APPROVED:



AMY BROWN
Interim City Administrator

