

1 [Settlement of Lawsuit - Pacific States Environmental Contractors, Inc. - \$425,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by Pacific States Environmental**
4 **Contractors, Inc., against the City and County of San Francisco for \$425,000; the**
5 **lawsuit was filed on November 20, 2009, in San Mateo County Superior Court and**
6 **subsequently transferred to San Francisco County Superior Court, Case No. CGC-10-**
7 **501403, entitled Pacific States Environmental Contractors, Inc. v. City and County of**
8 **San Francisco, et al.; other material terms of the settlement are: 1) mutual releases**
9 **except for latent defects, 2) dismissal of the complaint with prejudice, and 3) each side**
10 **to bear its own attorneys fees and costs.**

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

13 Section 1. The City Attorney is hereby authorized to settle the action entitled "Pacific
14 States Environmental Contractors, Inc. v. City and County of San Francisco, et al.", San
15 Francisco County Superior Court, Case No. CGC-10-501403, by the payment of \$425,000;
16 mutual releases except for latent defects, dismissal of the complaint with prejudice, and each
17 side to bear its own attorneys fees and costs.

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1 Section 2. The above-named action was filed in San Mateo County Superior Court on
2 November 20, 2009 and subsequently transferred to San Francisco County Superior Court,
3 and the following parties were named in the lawsuit: Pacific States Environmental
4 Contractors, Inc., plaintiff, and City and County of San Francisco, defendant.

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6 APPROVED AS TO FORM AND
7 RECOMMENDED:

8 DENNIS J. HERRERA
9 City Attorney

RECOMMENDED:

San Francisco Public Utilities Commission

10 _____
11 JOSEPH SANDOVAL, JR.
Deputy City Attorney

EDWARD HARRINGTON
General Manager

12 FUNDS AVAILABLE:

APPROVED:

13 _____
14 BEN ROSENFELD
15 Controller

MICHAEL HOUSH, Secretary
SAN FRANCISCO PUBLIC UTILITIES
COMMISSION