

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

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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.**

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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.  
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8 APPROVED AS TO FORM AND  
RECOMMENDED:

9 DENNIS J. HERRERA  
City Attorney

10 See File for Signature  
11 GEORGE WONG  
Deputy City Attorney

12 FUNDS AVAILABLE:

13  
14 See File for Signature  
15 BEN ROSENFELD  
Controller

RECOMMENDED:

Recreation & Park Department

16 See File for Signature  
17 PHILIP GINSBURG  
General Manager

18 APPROVED:

19 See File for Signature  
20 MARGARET McARTHUR, Secretary  
RECREATION & PARK COMMISSION  
21  
22  
23  
24  
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**City and County of San Francisco**  
**Tails**  
**Ordinance**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 100958

**Date Passed:** September 14, 2010

Ordinance authorizing settlement of the lawsuit filed by Icenogle IMR Joint Venture against the City and County of San Francisco for \$1,330,000; the lawsuit was filed on September 24, 2007, in San Francisco County Superior Court, and subsequently transferred to Alameda County Superior Court, Case No. RG08391219; entitled Icenogle IMR Joint Venture v. City and County of San Francisco, et al.; other material terms of said settlement are: (1) mutual releases except for latent defects, (2) dismissal of all complaints and cross-complaints with prejudice, (3) each side to bear its own attorneys fees and costs, and (4) plaintiff to be responsible for resolving outstanding stop notices.

August 10, 2010 Board of Supervisors - PASSED, ON FIRST READING

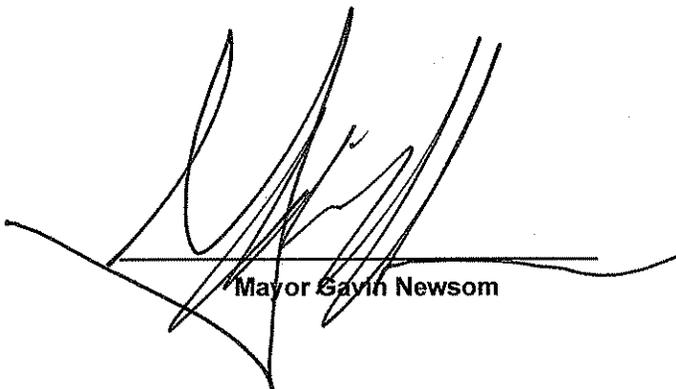
Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi  
Excused: 1 - Avalos

September 14, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 100958

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on 9/14/2010 by the Board of Supervisors of the City and County of San Francisco.



Mayor Gavin Newsom



Angela Calvillo  
Clerk of the Board

September 21, 2010

Date Approved