

File No. 101231

Committee Item No. 13

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Rules

Date October 7, 2010

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

(Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: Linda Wong

Date October 4, 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 - Galliera, Inc. dba Trico Construction - \$700,000]

2  
3 **Ordinance authorizing settlement of the lawsuit filed by Galliera, Inc. dba Trico**  
4 **Construction against the City and County of San Francisco for \$700,000; the lawsuit**  
5 **was filed on December 29, 2008, in San Francisco Superior Court, Case No. CGC-08-**  
6 **483555, entitled Galliera, Inc. dba Trico Construction v. City and County of San**  
7 **Francisco, et al.; other material terms of the settlement are: (1) the settlement includes**  
8 **the consolidated action Cal Centurian Construction, Inc. dba RWR Construction v.**  
9 **Galliera, Inc. dba Trico Construction, et al., San Francisco Superior Court, Case No.**  
10 **CGC-09-485849, (2) the settlement includes all cross-complaints, (3) mutual releases**  
11 **except for warranties, guarantees, latent defects, and personal injury, (4) dismissal of**  
12 **all complaints and cross-complaints with prejudice, and (5) each party to bear its own**  
13 **attorneys fees and costs.**

14  
15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. The City Attorney is hereby authorized to settle the action entitled "Galliera,  
17 Inc. dba Trico Construction, v. City and County of San Francisco v. City and County of San  
18 Francisco, et al.," San Francisco Superior Court, Court No. CGC-08-483555 by the payment  
19 of \$700,000, which is the City's share of the total settlement amount of \$940,000; the  
20 settlement includes the consolidated action entitled "Cal Centurian Construction, Inc. dba  
21 RWR Construction v. Galliera, Inc. dba Trico Construction, et al.," San Francisco Superior  
22 Court, Court No. CGC-09-485849, and any cross-complaints in either action; mutual releases  
23 except for warranties, guarantees, latent defects, and personal injury; dismissal of all  
24 complaints and cross-complaints with prejudice; and, each party to bear its own attorneys  
25 fees and costs.

1 Section 2. The above-named action was filed in San Francisco Superior Court on  
2 December 29, 2008, and the following parties were named in the lawsuit: Galliera, Inc. dba  
3 Trico Construction, plaintiff; City and County of San Francisco, defendant. The related case of  
4 Cal Centurian Construction, Inc. dba RWR Construction v. Galliera, Inc. dba Trico  
5 Construction, et al. was filed in San Francisco Superior Court on March 6, 2009 and  
6 consolidated with Court No. CGC-08-483555.

7  
8 APPROVED AS TO FORM AND  
9 RECOMMENDED:

10 DENNIS J. HERRERA  
City Attorney

11 See File for Signature  
12 GEORGE K. WONG  
Deputy City Attorney

RECOMMENDED:

Department of Public Works

See File for Signature  
Edward D. Reiskin  
Director

13 FUNDS AVAILABLE:

14 See File for Signature  
15 BEN ROSENFELD  
16 Controller

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OFFICE OF THE CITY ATTORNEY  
BOARD OF SUPERVISORS