

1 [Settlement of Lawsuit - David Alfaro, et al. - \$3,626,444.85]

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3 **Ordinance authorizing final settlement of the lawsuit filed by David Alfaro, et al. against**
4 **the City and County of San Francisco for \$3,626,444.85; the lawsuit was filed on August**
5 **20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David**
6 **Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse**
7 **condemnation arising out of flooding damage during major rainstorms in December of**
8 **2014; this settlement relates only to the claims for statutory attorney's fees, costs and**
9 **interest and completely resolves the litigation.**

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

12 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
13 authorizes the City Attorney to settle claims for statutory attorney's fees, costs and interest as
14 to all Plaintiffs and completely resolves the action entitled David Alfaro, et al. v. City and
15 County of San Francisco, San Francisco Superior Court, Case No. CGC-15-547492 by the
16 payment of \$3,626,444.85 to plaintiffs and their counsel. The lawsuit involves inverse
17 condemnation arising out of flooding damage during major rainstorms in December of 2014.

18 Section 2. The above-named action was filed in San Francisco Superior Court on
19 August 20, 2015. This is an action brought by owners or occupants of several dozen
20 properties located in San Francisco against defendant City and County of San Francisco.

21 Section 3. This is the final piece of a three-step settlement of the action. It resolves all
22 claims for statutory costs, interest, and attorney's fees due to all Plaintiffs. The parties have
23 previously, separately settled the personal and real property damage claims of all property
24 owners and diminution in value claims of all property owners in this action (see Board
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1 Ordinance No. 112-18, on file with the Clerk of the Board of Supervisors in File No. 180307).

2 This settlement completely resolves the litigation.

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4 APPROVED AS TO FORM AND
RECOMMENDED:

RECOMMENDED:

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6 DAVID CHIU
City Attorney

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

7 /s/ Meredith B. Osborn
MEREDITH B. OSBORN
8 Chief Trial Deputy

/s/
DENNIS HERRERA
General Manager

9 FUNDS AVAILABLE:

APPROVED:

10

/s/ Ben Rosenfield
11 BEN ROSENFELD
12 Controller

/s/
DONNA HOOD
Secretary, Public Utilities Commission

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