

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.

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

APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

See File for Signature
GEORGE K. WONG
Deputy City Attorney

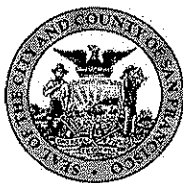
FUNDS AVAILABLE:

See File for Signature
BEN ROSENFELD
Controller

RECOMMENDED:

Department of Public Works

See File for Signature
Edward D. Reiskin
Director



City and County of San Francisco
**Tails
Ordinance**

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

File Number: 101231

Date Passed: October 26, 2010

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

October 07, 2010 Rules Committee - RECOMMENDED..

October 19, 2010 Board of Supervisors - PASSED, ON FIRST READING

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

October 26, 2010 Board of Supervisors - FINALLY PASSED

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

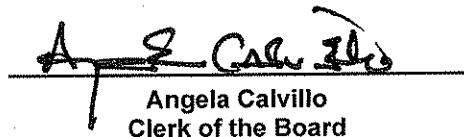
Excused: 1 - Alioto-Pier

File No. 101231

I hereby certify that the foregoing
Ordinance was **FINALLY PASSED** on
10/26/2010 by the Board of Supervisors of
the City and County of San Francisco.



Mayor Gavin Newsom



Angela Calvillo
Clerk of the Board

November 5, 2010
Date Approved