

1 [Settlement of Lawsuit - Esther Downes, et al. - \$350,000]

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3 **Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure**
4 **68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the**
5 **City and County of San Francisco, in the amount of \$350,000 in settlement of the lawsuit**
6 **filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled**
7 **"Esther Downes, et al. v. City and County of San Francisco, et al."**

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

10 Section 1. The City Attorney is hereby authorized to allow Judgment to be entered,
11 pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the
12 Estate of Issiah Downes, and against the City and County of San Francisco, in the action
13 entitled "Esther Downes, et al. v. City and County of San Francisco, et al.", United States
14 District Court, Case No. C10-4451 CW in the amount of \$350,000.

15 Section 2. The above-named action was filed in United States District Court, Northern
16 District of California on October 1, 2010, and the following parties were named in the lawsuit:

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1 Plaintiffs Esther Downes and Estate of Issiah Downes; Defendants City and County of San
2 Francisco, Sheriff Michael Hennessey, Jan Dempsey, Johna Pecot, John Garcia, John Casey,
3 Matthew Wong, Tonyette Smith-Al Ghani, Juan Guitron, Edward Gutierrez, Mel Song,
4 Kenneth Lomba, Dan White, Kevin Macksoud, Paula Avery and Emmanuel Bulatao.

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6 APPROVED AS TO FORM AND
7 RECOMMENDED:

8 DENNIS J. HERRERA
9 City Attorney

RECOMMENDED:

SAN FRANCISCO SHERIFF DEPARTMENT

10 See File for Signature
11 JOANNE HOEPER
12 Chief Trial Deputy

See File for Signature
MICHAEL HENNESSEY
Sheriff

13 FUNDS AVAILABLE:

14 See File for Signature
15 BEN ROSENFELD
16 Controller



City and County of San Francisco
Tails
Ordinance

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

File Number: 110173

Date Passed: March 22, 2011

Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the City and County of San Francisco, in the amount of \$350,000 in settlement of the lawsuit filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled "Esther Downes, et al. v. City and County of San Francisco, et al."

March 03, 2011 Rules Committee - RECOMMENDED..

March 15, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar and Wiener

Excused: 3 - Campos, Cohen and Mirkarimi

March 22, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

Excused: 1 - Avalos

File No. 110173

I hereby certify that the foregoing
Ordinance was **FINALLY PASSED** on
3/22/2011 by the Board of Supervisors of the
City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

3/23/11

Date Approved