

[Settlement of Lawsuit - CTIA - The Wireless Association]

Ordinance authorizing settlement of a lawsuit filed by CTIA against the City and County of San Francisco; the lawsuit was filed on July 23, 2010, in United States District Court, Northern District of California, Case No. 3:10-cv-03224 (WHA); entitled CTIA - The Wireless Association v. City and County of San Francisco; the material terms of said settlement are that: CTIA and the City will enter into a stipulated Final Judgment for the CTIA, including declaratory relief and a permanent injunction against enforcement of the Cell Phone Right-to-Know Law; the City will cease all litigation over the Cell Phone Right-to-Know Law; and, CTIA will waive its claims for attorney's fees.

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

Section 1. The City Attorney is hereby authorized to settle the action entitled "CTIA - The Wireless Association v. City and County of San Francisco," United States District Court, Northern District of California, Case No. 3:10-cv-03224 (WHA), on substantially the same terms as set forth in the Settlement Agreement on file with the Clerk of the Board of Supervisors in File No. 130315, which is incorporated by reference and declared to be a part of this ordinance as if set forth fully herein. The Settlement Agreement provides that: CTIA and the City will enter into a stipulated Final Judgment for the CTIA, including declaratory relief and a permanent injunction against enforcement of the Cell Phone Right-to-Know Law (Environment Code Chapter 11, adopted by Ordinance No. 155-10 and as amended by Ordinance No. 165-11) and implementing regulations; the City will cease litigation over the Cell Phone Right-to-Know Law; and, CTIA will waive its entitlement to any attorney's fees and costs it could seek in any court as a result of being a prevailing party in the litigation. A copy of the stipulated Final Judgment is on file with the Clerk of the Board of Supervisors in File

Supervisors in File No. 130315, which is incorporated by reference and declared to be a part of this ordinance as if set forth fully herein.

Section 2. The above-named action was filed in United States District Court, Northern District of California, on July 23, 2010 and the following parties were named in the lawsuit: CTIA - The Wireless Association, plaintiff; the City and County of San Francisco, defendant.

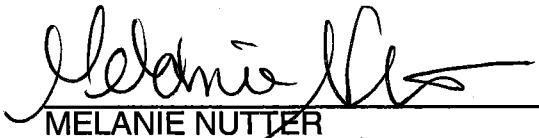
APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney


VINCE CHHABRIA
Deputy City Attorney

RECOMMENDED:

DEPARTMENT OF THE ENVIRONMENT


MELANIE NUTTER
Director

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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: 130315

Date Passed: May 14, 2013

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April 18, 2013 Rules Committee - RECOMMENDED..

May 07, 2013 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
Noes: 1 - Avalos

May 14, 2013 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
Noes: 1 - Avalos

File No. 130315

I hereby certify that the foregoing
Ordinance was **FINALLY PASSED** on
5/14/2013 by the Board of Supervisors of the
City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

5/15/13

Date Approved