

1 [Settlement Of Lawsuit]
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3 **Ordinance authorizing settlement of the lawsuit filed by Francisco Rivero and Pacific**
4 **Interment Co. against the City and County of San Francisco for \$1,700,000, which**
5 **includes payment of a total of \$52,000 in punitive damages; the lawsuit was filed on**
6 **September 9, 1993 in the United States District Court, Case No. C93-3383; entitled**
7 **Francisco Rivero and Pacific Interment Co., et al., v. City and County of San Francisco,**
8 **et al.**
9

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

11 Section 1. The City Attorney is hereby authorized to settle the action entitled
12 "Francisco Rivero and Pacific Interment Co., et al., v. City and County of San Francisco, et al.,
13 United States District Court, Court No. C93-3383 by the payment of \$1,700,000, which
14 includes payment of an award of punitive damages of \$40,000 in punitive damages against
15 Chief Medical Examiner Dr. Boyd Stephens and \$12,000 in punitive damages against retired
16 City employee Joseph Surdyka.

17 Section 2. The above-named action was filed in the United States District Court on
18 September 10, 1993, and the following parties were named in the lawsuit: Francisco Rivero,
19 Pacific Interment Co, plaintiffs and City & County Of San Francisco; Joseph Surdyka; Herbert
20 Hawley; Boyd Stephens, defendants.

21 Section 3. The Board of Supervisors finds, in approving the payment of the punitive
22 damage amounts included in this settlement, that the acts or omissions of the two named
23 employees occurred within the course and scope of their employment by the City and County
24 of San Francisco; that these employees acted, or failed to act, in good faith, without actual
25 malice and in the apparent best interests of the City and County; and that the payment of the

1 punitive damage amounts by the City and County would be in the best interests of the City
2 and County.

3 APPROVED AS TO FORM AND
4 RECOMMENDED:

5 DENNIS J. HERRERA
6 City Attorney

7 Joanne Hoep
8 JOANNE HOEPER
9 Chief Trial Deputy

10 FUNDS AVAILABLE:

11 Edward Harrington
12 EDWARD HARRINGTON
13 Controller

14 Index Code: 975010

15 Subobject: 05311 2/28/04

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OFFICE OF THE CITY ATTORNEY
BOARD OF SUPERVISORS



City and County of San Francisco

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

Tails

Ordinance

File Number: 040220

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by Francisco Rivero and Pacific Interment Co. against the City and County of San Francisco for \$1,700,000, which includes payment of a total of \$52,000 in punitive damages; the lawsuit was filed on September 9, 1993 in the United States District Court, Case No. C93-3383; entitled Francisco Rivero and Pacific Interment Co., et al., v. City and County of San Francisco, et al.

March 23, 2004 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Alioto-Pier, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 1 - Ammiano

March 30, 2004 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, McGoldrick, Peskin, Sandoval

Absent: 1 - Maxwell

File No. 040220

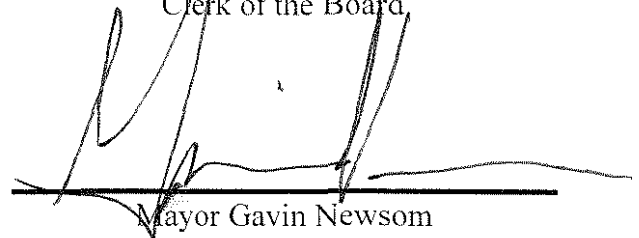
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on March 30, 2004
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board,

APR 08 2004

Date Approved



Mayor Gavin Newsom