

1 [Settlement of Lawsuit]

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3 Ordinance authorizing settlement of the lawsuit filed by the City and County of San
4 Francisco as a qui tam plaintiff and party against (a) Landavazo Bros., Inc. and its
5 owners and (b) George, Theodore, Derrick and John Landavazo (together, the
6 "Landavazos") on June 14, 2001, in United States District Court For the Northern
7 District of California, Case No. C-01-2315 MHP, entitled, City and County of San
8 Francisco et. al. v. Landavazo Brothers, Inc., et. al., with the Landavazos paying: (a)
9 \$100,000 within 10 days of the final approval of the settlement ; (b) making sixty-five
10 (65) monthly payments of \$7,500, beginning January 5, 2007; and (c) the City paying to
11 the San Francisco Bay Area Rapid Transit District (BART") therefrom \$50,000, with
12 \$25,000 to come from the initial payment and the balance to be paid at \$2,500 from the
13 next ten (10) payments. The Landavazos are also to forego bidding on, or performing
14 any work on San Francisco or BART projects through December 31, 2008.

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 San Francisco 's and BART's
17 claims against: a) Landavazo Bros., Inc. and its owners (b) George, Theodore, Derrick and
18 John Landavazo (together, the "Landavazos") in the action entitled " United States District
19 Court For the Northern District of California, Case No. C-01-2315 MHP, entitled, City and
20 County of San Francisco et. al. v. Landavazo Brothers, Inc., et. al., by receiving payment from
21 the Landavazos in the amount of \$587,500 from which the City is to pay to the San Francisco
22 Bay Area Rapid Transit District ("BART") \$50,000. The Landavazos shall pay the City: (a)
23 \$100,000 within 10 days of the final approval of the settlement; and (b) make sixty-five (65)
24 monthly payments of \$7,500 each beginning on January 5, 2007, until the sum of \$587,500 is
25 paid in full . From those sums, the City shall pay to BART \$50,000, with \$25,000 to come

1 from the initial payment and the balance to be paid at \$2,500 from the next ten (10) payments.
2 The Landavazos are also to forego bidding on, or performing any work on San Francisco
3 projects through December 31, 2008.

4 The payments are to be secured through a deed of trust in the Landavazos'
5 commercial property.

6 Section 2. The above-captioned action is was first filed as a qui tam action and is
7 subject to approval by the Federal District Court.

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9 APPROVED AS TO FORM AND
RECOMMENDED:

10 DENNIS J. HERRERA
11 City Attorney

12 
13 _____
JOANNE HOEPER
14 Chief Trial Deputy



City and County of San Francisco

Tails

Ordinance

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

File Number: 061452

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco as a qui tam plaintiff and party against (a) Landavazo Bros., Inc. and its owners and (b) George, Theodore, Derrick and John Landavazo (together, the "Landavazos") on June 14, 2001, in United States District Court For the Northern District of California, Case No. C-01-2315 MHP, entitled, City and County of San Francisco et. al. v. Landavazo Brothers, Inc., et. al., with the Landavazos paying: (a) \$100,000 within 10 days of the final approval of the settlement; (b) making sixty-five (65) monthly payments of \$7,500, beginning January 5, 2007; and (c) the City paying to the San Francisco Bay Area Rapid Transit District (BART) therefrom \$50,000, with \$25,000 to come from the initial payment and the balance to be paid at \$2,500 from the next ten (10) payments. The Landavazos are also to forego bidding on, or performing any work on San Francisco or BART projects through December 31, 2008.

November 14, 2006 Board of Supervisors — PASSED, ON FIRST READING

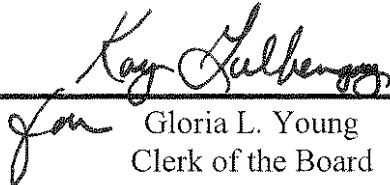
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 21, 2006 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

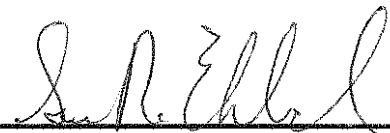
File No. 061452

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on November 21,
2006 by the Board of Supervisors of the City
and County of San Francisco.


Gloria L. Young
Clerk of the Board

NOV 29 2006

Date Approved


Mayor Gavin Newsom