

1 [Tolling Agreement - Gene Gee]

2
3 **Resolution approving a tolling agreement to toll the statute of limitations on Gene**
4 **Gee's claim against the City in exchange for a dismissal without prejudice in *Gene Gee***
5 ***v. ARB Construction, et al.*, San Francisco Superior Case No. CGC-14-542509.**
6

7 WHEREAS, Gene Gee filed a lawsuit on December 23, 2014, against ARB, Inc.,
8 Pacific Gas and Electric Company ("PG&E") and the City and County of San Francisco (the
9 "Action"), for personal injuries he allegedly sustained after tripping and falling in a hole in a
10 City-owned sidewalk at or near 81 Marcela Avenue in San Francisco; and

11 WHEREAS, The City's tender of defense and indemnity of the Action was accepted
12 without a reservation of rights by ARB, Inc.; and

13 WHEREAS, Gene Gee and the City have tentatively agreed to a Tolling Agreement,
14 the terms of which are subject to the approval of the Board of Supervisors, which provides
15 that the City will be dismissed from the Action without prejudice in exchange for the City's
16 waiver of any statute of limitations or similar defenses that were not otherwise available to the
17 City as of the effective date of the Tolling Agreement; now, therefore, be it

18 RESOLVED, That the Board of Supervisors hereby approves the Tolling Agreement,
19 on file with the Clerk of the Board in File No. 150617, and authorizes the City Attorney to enter
20 such Agreement on behalf of the City and County of San Francisco.
21

22 n:\lit\li2015\150600\01021042.doc
23
24
25