

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

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

APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

JOANNE HOEPER
Chief Trial Deputy

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller