

1 [Settlement of Lawsuit]

2
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.

8
9 APPROVED AS TO FORM AND
RECOMMENDED:

10 DENNIS J. HERRERA
11 City Attorney

12 _____
13 JOANNE HOEPER
14 Chief Trial Deputy
15
16
17
18
19
20
21
22
23
24
25