

File No. 200872

Committee Item No. 23

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: Sept. 3, 2020

Board of Supervisors Meeting:

Date: \_\_\_\_\_

#### Cmte Board

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- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

#### OTHER

- \_\_\_\_\_
- \_\_\_\_\_
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Prepared by: John Carroll

Date: August 28, 2020

Prepared by: John Carroll

Date: \_\_\_\_\_

1 [Partial Settlement of Lawsuit - Joy Caguimbaga and Zenida C. Restauro - \$240,000]

2

3 **Ordinance authorizing partial settlement of the lawsuit filed by Joy Caguimbaga and**  
4 **Zenida C. Restauro against the City and County of San Francisco for \$240,000; the**  
5 **lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case**  
6 **No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco;**  
7 **the lawsuit involves inverse condemnation arising out of flooding damage during major**  
8 **rainstorms in December of 2014; this settlement relates only to the diminution of real**  
9 **property value claims of plaintiffs Joy Caguimbaga and Zenida C. Restauro, and does**  
10 **not include claims for property loss or for attorney's fees, costs and interest.**

11

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

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14 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
15 authorizes the City Attorney to settle in part, and only as to plaintiffs Joy Caguimbaga and  
16 Zenida C. Restauro, the action entitled David Alfaro, et al. v. City and County of San  
17 Francisco, San Francisco Superior Court, Case No. CGC-15-547492 by the payment  
18 of \$240,000 to plaintiffs Joy Caguimbaga and Zenida C. Restauro. The lawsuit involves  
19 inverse condemnation arising out of flooding damage during major rainstorms in December  
of 2014.

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21 Section 2. The above-named action was filed in San Francisco Superior Court on  
22 August 20, 2015. This is an action brought by owners or occupants of several dozen  
properties located in San Francisco against defendant City and County of San Francisco.

23

24 Section 3. This is a partial settlement of the action. It resolves the diminution of real  
25 property value claims of plaintiffs Joy Caguimbaga and Zenida C. Restauro. The parties have  
previously, separately settled the personal and real property damage claims of plaintiffs Joy

1 Caguimbaga and Zenida C. Restauero in this action, and will subsequently and separately  
2 address all claims for statutory attorney's fees relating to this action.

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APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney

/s/ Meredith B. Osborn  
MEREDITH B. OSBORN  
Chief Trial Deputy

FUNDS AVAILABLE:

/s/Ben Rosenfield  
BEN ROSENFELD  
Controller

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RECOMMENDED:

PUBLIC UTILITIES COMMISSION

/s/  
HARLAN L. KELLY, JR.  
General Manager

APPROVED:

/s/  
DONNA HOOD  
Secretary, Public Utilities Commission