

File No. 210982

Committee Item No. 6

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

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: Oct. 7, 2021

Board of Supervisors Meeting:

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

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- 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

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: John Carroll

Date: Oct. 1, 2021

Prepared by: John Carroll

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

Prepared by: John Carroll

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

1 [Settlement of Attorney's Fee Claim - Contest Promotions, LLC - City to Receive \$580,000]

2

3 **Ordinance authorizing settlement by payment of \$580,000 to the City and County of**  
4 **San Francisco, of the City's claim for attorney's fees and costs arising from the lawsuit**  
5 **that Contest Promotions, LLC filed against the City; the lawsuit was filed on August 26,**  
6 **2015, in San Francisco Superior Court, Case No. CGC-15-547630; entitled Contest**  
7 **Promotions, LLC vs. City and County of San Francisco; San Francisco Superior Court**  
8 **Case No. CPF-16-514771 was filed on February 9, 2016, and the actions were**  
9 **consolidated; the lawsuit involves a dispute about the City's compliance with a prior**  
10 **settlement agreement between the parties, and the constitutionality of sections of the**  
11 **Planning Code regulating on-site and off-site commercial signs.**

12

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

14

15 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
16 authorizes the City Attorney to settle the City's claim for attorney's fees and costs in the  
17 matter of Contest Promotions, LLC vs. City and County of San Francisco, Superior Court of  
18 California, County of San Francisco, Case No. CPF-16-514771 (consolidated with Case No.  
19 CGC-15-547630) by the payment of \$580,000 to the City. Under the terms of this fee  
20 settlement, (1) Contest Promotions will release \$250,000 that is currently held in escrow for  
21 the benefit of the City; (2) when the appeal is final, the prevailing party receives the funds in  
22 escrow; and (3) Contest Promotions will pay the remaining \$330,000 in 12 monthly payments  
23 of \$27,500/month. This settlement modifies the terms of a 2019 fee settlement in this lawsuit.  
24 The lawsuit involves a dispute about the City's compliance with a prior settlement agreement  
25 between the parties, and the constitutionality of sections of the Planning Code regulating on-  
site and off-site commercial signs.

1 Section 2. The above-named consolidated actions were filed in San Francisco  
2 Superior Court on August 26, 2015, and February 9, 2016, and the following parties were  
3 named in the lawsuits: Contest Promotions, LLC and the City and County of San Francisco.  
4

5 APPROVED AS TO FORM AND  
6 RECOMMENDED:

7 DENNIS J. HERRERA  
8 City Attorney

RECOMMENDED:  
9 SAN FRANCISCO PLANNING  
10 DEPARTMENT

11 /s/ \_\_\_\_\_  
12 KATE H. STACY  
13 Chief Land Use Deputy City Attorney

14 /s/ \_\_\_\_\_  
15 RICH HILLIS  
16 Director

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