

File No. 210990

Committee Item No. 14

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
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- 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: Oct. 1, 2021

Prepared by: John Carroll

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

Prepared by: John Carroll

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

1 [Settlement of Lawsuit - Kwok Shing Import Export, Inc. - \$440,000]

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3 **Ordinance authorizing partial settlement of the lawsuit filed by Kwok Shing Import**  
4 **Export, Inc. against the City and County of San Francisco for \$440,000; the lawsuit was**  
5 **filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492;**  
6 **entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves**  
7 **inverse condemnation arising out of flooding damage during major rainstorms in**  
8 **December of 2014; this settlement relates only to the diminution of real property value**  
9 **claims of plaintiff Kwok Shing Import Export, Inc., and does not include claims for**  
10 **property loss or for attorney's fees, costs and interest.**

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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 plaintiff Kwok Shing Import Export,  
16 Inc., the action entitled David Alfaro, et al. v. City and County of San Francisco, San Francisco  
17 Superior Court, Case No. CGC-15-547492 by the payment of \$440,000 to plaintiff Kwok Shing  
18 Import Export, Inc. The lawsuit involves inverse condemnation arising out of flooding damage  
during major rainstorms in December of 2014.

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20 Section 2. The above-named action was filed in San Francisco Superior Court on  
21 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.

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23 Section 3. This is a partial settlement of the action. It resolves the diminution of real  
24 property value claims of commercial property owning plaintiff(s) Kwok Shing Import Export,  
Inc. The parties have previously, separately settled the personal and real property damage  
25 claims of all property owners and diminution in value claims of residential property owners in

1 this action (see Board Ordinance No. 292-18, on file with the Clerk of the Board of  
2 Supervisors in File No. 180962). The parties will subsequently and separately address all  
3 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

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

/s/  
MICHAEL CARLIN  
Acting General Manager

APPROVED:

/s/  
DONNA HOOD  
Secretary, Public Utilities Commission

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