File No. <u>210990</u>

Committee Item No. <u>14</u> Board Item No. <u>11</u>

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: <u>Government Audit and Oversight</u> Board of Supervisors Meeting:
 Date:
 Oct. 7, 2021

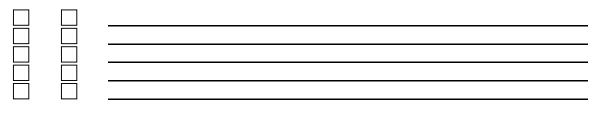
 Date:
 Oct. 19, 2021

Cmte Board

		Motion
		Resolution
\boxtimes	\boxtimes	Ordinance
		Legislative Digest
		Budget and Legislative Analyst Report
\square		Youth Commission Report
H	H	Introduction Form
		Department/Agency Cover Letter and/or Report
		MOU
		Grant Information Form
		Grant Budget
\square		Subcontract Budget
\square		Contract/Agreement
\square	\square	Form 126 – Ethics Commission
П	Ħ	Award Letter
H	H	
		Application

Public Correspondence

OTHER



Prepared by:	John Carroll	Date:	Oct. 1, 2021
Prepared by:	John Carroll	Date:	Oct. 15, 2021
Prepared by:	John Carroll	Date:	

FILE NO. 210990

ORDINANCE NO.

1	[Settlement of Lawsuit - Kwok Shing Import Export, Inc \$440,000]		
2			
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 <u>David Alfaro, et al. v. City and County of San Francisco;</u> 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.		
11			
12	Be it ordained by the People of the City and County of San Francisco:		
13	Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby		
14	authorizes the City Attorney to settle in part, and only as to plaintiff Kwok Shing Import Export,		
15	Inc., the action entitled David Alfaro, et al. v. City and County of San Francisco, San Francisco		
16	Superior Court, Case No. CGC-15-547492 by the payment of \$440,000 to plaintiff Kwok Shing		
17	Import Export, Inc. The lawsuit involves inverse condemnation arising out of flooding damage		
18	during major rainstorms in December of 2014.		
19	Section 2. The above-named action was filed in San Francisco Superior Court on		
20	August 20, 2015. This is an action brought by owners or occupants of several dozen		
21	properties located in San Francisco against defendant City and County of San Francisco.		
22	Section 3. This is a partial settlement of the action. It resolves the diminution of real		
23	property value claims of commercial property owning plaintiff(s) Kwok Shing Import Export,		
24	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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1	APPROVED AS TO FORM AND RECOMMENDED:	RECOMMENDED:	
2			
3	DENNIS J. HERRERA City Attorney	SAN FRANCISCO PUBLIC UTILITIES COMMISSION	
4	/s/ Meredith B. Osborn		
5	MEREDITH B. OSBORN Chief Trial Deputy	MICHAEL CARLIN Acting General Manager	
6	FUNDS AVAILABLE:	APPROVED:	
7			
8	<u>/s/Ben Rosenfield</u> BEN ROSENFIELD		
9	Controller	Secretary, Public Utilities Commission	
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