

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

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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.**

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

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

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 210982

Date Passed: October 26, 2021

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

October 07, 2021 Government Audit and Oversight Committee - RECOMMENDED

October 19, 2021 Board of Supervisors - PASSED ON FIRST READING


Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

October 26, 2021 Board of Supervisors - FINALLY PASSED

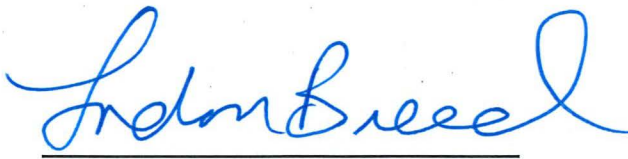
Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210982

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/26/2021 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

11/5/21

Date Approved