FILE NO. 130317

MOTION NO. M13-058

[Closed Session - Existing Litigation - Consolidated Cases Relating to Transient Occupancy Tax]

Motion that the Board of Supervisors convene in closed session on April 23, 2013, for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation in which the City is a defendant pursuant to Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

WHEREAS, Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), allow the Board of Supervisors to convene in closed session to confer with or receive advice from Legal Counsel regarding existing litigation; and

WHEREAS, The City and County of San Francisco is a defendant in each of the following consolidated cases:

 Judicial Council Coordinated Proceeding Case No. 4472, Consolidated Action in Los Angeles Superior Court, consolidating, among others, the following actions in which the City is a defendant: *Hotwire Inc. v. City and County of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-488289); *Expedia, Inc. v. City and County of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-488292); *Priceline.com Inc. et al. v. City and County of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-509573); *Travelocity.com, L.P., et al. v. City and County of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-489356); and *City and County of San Francisco v. San Francisco Hilton Union Square, et al.* (San Francisco Superior Court Case No. CGC-11-510705); and

Supervisor Chiu BOARD OF SUPERVISORS BHR Operations, LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. v. City and County of San Francisco (San Francisco Superior Court Case No.CGC-10-498514, consolidated with San Francisco Superior Court Case No. CGC-10-505526); now, therefore, be it

MOVED, That the Board of Supervisors convene in closed session on April 23, 2013, to consult with Legal Counsel for the purpose of conferring with, or receiving advice from, Legal Counsel regarding existing litigation in each of the following consolidated cases:

• Judicial Council Coordinated Proceeding Case No. 4472, Consolidated Action in Los Angeles Superior Court, consolidating, among others, the following actions in which the City is a defendant: *Hotwire Inc. v. City and County of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-488289); *Expedia, Inc. v. City and County of San Francisco, et al.* (San Francisco, et al. v. City and County of San Francisco, et al. (San Francisco Superior Court Case No. CGC 09-488292); *Priceline.com Inc. et al. v. City and County of San Francisco, et al.* (San Francisco Superior Court Case No. CGC 09-509573); *Travelocity.com, L.P., et al. v. City and County of San Francisco, et al.* (San Francisco, et al. (San Francisco Superior Court Case No. CGC 09-489356); and *City and County of San Francisco v. San Francisco Hilton Union Square, et al.* (San Francisco Superior Court Case No. CGC-11-510705); and

 BHR Operations, LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. v. City and County of San Francisco (San Francisco Superior Court Case No.CGC-10-498514, consolidated with San Francisco Superior Court Case No. CGC-10-505526).

Supervisor Chiu BOARD OF SUPERVISORS FURTHER MOVED, Government Code Section, 54956.9(a), and Administrative Code, Section 67.10(d)(1), permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation.

Supervisor Chiu BOARD OF SUPERVISORS



City and County of San Francisco

Tails

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

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Date Passed: April 23, 2013

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April 23, 2013 Board of Supervisors - APPROVED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

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I hereby certify that the foregoing Motion was APPROVED on 4/23/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board