

1 [Settlement of Lawsuit - Esther Downes, et al. - \$350,000]

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3 **Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure**  
4 **68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the**  
5 **City and County of San Francisco, in the amount of \$350,000 in settlement of the lawsuit**  
6 **filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled**  
7 **"Esther Downes, et al. v. City and County of San Francisco, et al."**

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

10 Section 1. The City Attorney is hereby authorized to allow Judgment to be entered,  
11 pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the  
12 Estate of Issiah Downes, and against the City and County of San Francisco, in the action  
13 entitled "Esther Downes, et al. v. City and County of San Francisco, et al.", United States  
14 District Court, Case No. C10-4451 CW in the amount of \$350,000.

15 Section 2. The above-named action was filed in United States District Court, Northern  
16 District of California on October 1, 2010, and the following parties were named in the lawsuit:

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1 Plaintiffs Esther Downes and Estate of Issiah Downes; Defendants City and County of San  
2 Francisco, Sheriff Michael Hennessey, Jan Dempsey, Johna Pecot, John Garcia, John Casey,  
3 Matthew Wong, Tonyette Smith-Al Ghani, Juan Guitron, Edward Gutierrez, Mel Song,  
4 Kenneth Lomba, Dan White, Kevin Macksoud, Paula Avery and Emmanuel Bulatao.

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6 APPROVED AS TO FORM AND  
7 RECOMMENDED:

RECOMMENDED:

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8 DENNIS J. HERRERA  
9 City Attorney

SAN FRANCISCO SHERIFF DEPARTMENT

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10 See File for Signature  
11 JOANNE HOEPER  
12 Chief Trial Deputy

See File for Signature  
MICHAEL HENNESSEY  
Sheriff

12 FUNDS AVAILABLE:

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14 See File for Signature  
15 BEN ROSENFELD  
16 Controller

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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:** 110173

**Date Passed:** March 22, 2011

Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the City and County of San Francisco, in the amount of \$350,000 in settlement of the lawsuit filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled "Esther Downes, et al. v. City and County of San Francisco, et al."

March 03, 2011 Rules Committee - RECOMMENDED..

March 15, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar and Wiener

Excused: 3 - Campos, Cohen and Mirkarimi

March 22, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

Excused: 1 - Avalos

File No. 110173

I hereby certify that the foregoing  
Ordinance was **FINALLY PASSED** on  
3/22/2011 by the Board of Supervisors of the  
City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

Mayor Edwin Lee

3/23/11

Date Approved