

1 [Settlement of Lawsuit]

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3 **Ordinance authorizing settlement of the lawsuit filed by the City and County of San**
4 **Francisco against Factory Mutual Insurance Company and Bombardier Transportation,**
5 **Inc. for \$2,750,000 and other consideration; the lawsuit was filed on December 15, 2004,**
6 **in The United States District Court, Northern District of California, Case No. C 04-5307**
7 **FMS; entitled City and County of San Francisco, et al., v. Factory Mutual Insurance**
8 **Company, et al.;**

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

11 Section 1. The City Attorney is hereby authorized to settle the action entitled "City and
12 County of San Francisco v. Factory Mutual Insurance Company, et al.," United States District
13 Court for the Northern District of California, Court No. C 04-5307 PJH by making payment
14 from the City and County of San Francisco to Bombardier, Inc. in the amount of
15 \$3,275,581.60, receiving payment from Factory Mutual Insurance Company to the City and
16 County of San Francisco in the amount \$2,750,000.00, and by entering into the negotiated
17 Operations and Maintenance Agreement for the operation and maintenance of the Air Train,
18 Airport Contract number 8838.

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1 Section 2. The above-named action was filed in the United States District Court,
2 Northern District of California on December 15, 2004, and the following parties were named in
3 the lawsuit: City and County of San Francisco, Plaintiff and Cross-Defendant; Factory Mutual
4 Insurance Company, Defendant and Cross-Complainant; Bombardier Transportation USA,
5 Inc., Defendant and Cross-Complainant.

6 APPROVED AS TO FORM AND
7 RECOMMENDED:

8 DENNIS J. HERRERA
9 City Attorney

10 
11 Kathryn Luhe

12 FUNDS AVAILABLE:

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15 Ben Rosenfield
16 Controller

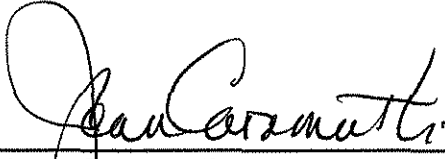
17 Project: CAC041 01
18 Index Code: Various
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RECOMMENDED:

San Francisco International Airport

10 
11 John L. Martin
12 Airport Director 

APPROVED: Airport Commission

13 
14
15 Jean Caramatti
16 Secretary
17 Airport Commission



City and County of San Francisco

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

Tails

Ordinance

File Number: 080941

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Factory Mutual Insurance Company and Bombardier Transportation, Inc. for \$2,750,000 and other consideration; the lawsuit was filed on December 15, 2004, in The United States District Court, Northern District of California, Case No. C 04-5307 FMS; entitled City and County of San Francisco, et al., v. Factory Mutual Insurance Company, et al.

November 4, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 18, 2008 Board of Supervisors — FINALLY PASSED


Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080941

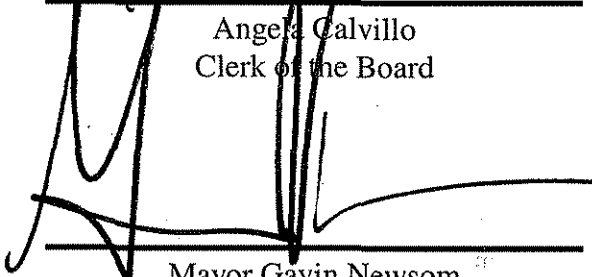
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on November 18,
2008 by the Board of Supervisors of the City
and County of San Francisco.

11/25/2008

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom