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[Settlement of Lawsuit – AboveNet Communications, Inc. - \$183,479.00]

Ordinance authorizing settlement of the lawsuit filed by AboveNet Communications, Inc., formerly known as Metromedia Fiber Network Services, Inc., a Delaware corporation, against the City and County of San Francisco for \$183,479.00; the lawsuit was filed on December 10, 2007 in Sacramento Superior Court, Case No. 34-2007-00882854; entitled Metromedia Fiber Network Services, Inc., a Delaware corporation, v. City and County of San Francisco, et al.; the complaint was amended on August 20, 2009 to correct the plaintiff's name to AboveNet Communications, Inc.

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

Section 1. The City Attorney is hereby authorized to settle the action entitled "AboveNet Communications, Inc. v. City and County of San Francisco, et al.," Sacramento Superior Court, Court No. 34-2007-00882854 by the payment of \$183,479.00.

Section 2. The above-named action was filed in Sacramento Superior Court on December 10, 2007, and the following parties were named in the lawsuit: Plaintiff Metromedia Fiber Network Services, Inc.; Defendants California State Board of Equalization, County of Alameda, County of Contra Costa, County of Los Angeles, County of Marin,

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1 County of Orange, County of Placer, County of Sacramento, County of San Diego, City and
2 County of San Francisco, County of San Mateo, County of Santa Clara, and County of
3 Solano.

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5 APPROVED AS TO FORM AND
6 RECOMMENDED:

7 DENNIS J. HERRERA
City Attorney

8 See File for Signature
9 JULIE VAN NOSTERN
Chief Tax Attorney

RECOMMENDED:

ASSESSOR-RECORDER

See File for Signature
PHIL TING
ASSESSOR-RECORDER

10 FUNDS AVAILABLE:

11 See File for Signature
12 BEN ROSENFELD
13 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: 101608

Date Passed: March 08, 2011

Ordinance authorizing settlement of the lawsuit filed by AboveNet Communications, Inc., formerly known as Metromedia Fiber Network Services, Inc., a Delaware corporation, against the City and County of San Francisco for \$183,479.00; the lawsuit was filed on December 10, 2007, in Sacramento Superior Court, Case No. 34-2007-00882854; entitled Metromedia Fiber Network Services, Inc., a Delaware corporation, v. City and County of San Francisco, et al.; the complaint was amended on August 20, 2009, to correct the plaintiff's name to AboveNet Communications, Inc.

February 17, 2011 Rules Committee - RECOMMENDED..

March 01, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

March 08, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 101608

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/8/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved