

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
CLOSED SESSION DOCKET  
FOR  
MONDAY, DECEMBER 3, 2007  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**NOTE:** In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 2:00 p.m. Council meeting.**

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1 *City of San Diego v. Willkie Farr and Gallagher, LLP*  
San Diego Superior Court Case No. 37-2007-00072584-CU-BT-CTL**

EACA Assigned: D. McGrath

This is a lawsuit filed by the City of San Diego against Willkie Farr and Gallagher, LLP. In closed session, the City Council will meet with Executive Assistant City Attorney Don McGrath, II, and Bryan Vess regarding prosecution of the lawsuit.

**CS-2 *Insurance Company of the State of Pennsylvania v. City of San Diego*  
United States District Court Case No. 02-CV-0693**

EACA Assigned: D. McGrath

This matter relates to AIG insurance carriers bad faith in its duty to defend. In closed session, the City Attorney and Kristine Wilkes of Latham and Watkins and Harry Levine will update the City Council and the Mayor on the case and fees.

**CS-3 *Harvey Furgatch v. San Diego Unified Port District, et al.*  
San Diego Superior Court Case No. GIC 775242**

DCA assigned: J. Riley

Plaintiff alleges his lawsuit was a substantial factor in causing the termination of the purchase and sale agreement for the transfer of property (Tailgate Park) from the City to the San Diego Unified Port District. The City Council will be advised of the status of this litigation and requested to waive the privilege and disclose closed session transcripts from prior meetings for the purpose of defending this lawsuit.

**CS-4 *Coastal Law Enforcement Action Network v. City of San Diego; Air California Adventure, LLC; David Jebb - (Complaint); City of San Diego v. Air California Adventure, LLC; Air California Adventure, Inc.; David Jebb; Maya Jebb - (Cross-complaint)***  
**San Diego Superior Court Case No. GIC861914**

DCA Assigned: M. Dickenson

This matter is a challenge under the California Coastal Act relating to the City's lease of the property known as the Torrey Pines Gliderport. The City Attorney will update the Mayor and City Council on the status of the litigation and requests that the Mayor and City Council consider settlement of this case in closed session.

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code Section 54956.9(c):**

**CS-5 Proposed litigation against the California State University Board of Trustees**

DCA Assigned: C. Fitzgerald

To consider initiation of litigation challenging the Final Environmental Impact Report for the SDSU 2007 Master Campus Plan Revision.

**CS-6 Proposed litigation against Aviation International, Inc.**

DCA Assigned: J.Serrano

To consider litigation against Aviation International, Inc., a California corporation (Juan Escalante, officer), which leases City owned land at Brown Field Airport and is in default on the terms of its lease.

**CS-7 *San Diego Navy Broadway Complex Coalition v. City of San Diego, et al.***  
**San Diego Superior Court Case No. GIC 880444**

DCA Assigned: M. Dickinson

This matter is a challenge under the California Environmental Quality Act relating to the City's environmental determinations for the Navy Broadway Complex. The City Attorney will update the Mayor and City Council on the status of the litigation in closed session.

**Conference with Real Property Negotiator, pursuant to California Government Code  
Section 54956.8:**

**CS-8 Property: 6929 Curran Street, San Diego, CA. 92154**

Agency Negotiator: Michael Tussey and Christian Anderson

Negotiating Parties: Aviation International Inc., President is Juan Escalante

Under Negotiation: Price and payment terms of lease.

DCA Assigned: J. Serrano