

**From:** [Phan, Johnny](#)  
**To:** [Downtown West Project](#)  
**Subject:** FW: Revised Draft Settlement Agreement  
**Date:** Thursday, May 27, 2021 4:04:18 PM

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**From:** Imwalle, Miles <mimwalle@coblentzlaw.com>  
**Sent:** Tuesday, May 25, 2021 3:54 PM  
**To:** Lucy Lofrumento <lal@lmallp.com>; Phan, Johnny <Johnny.Phan@sanjoseca.gov>; Anna Shimko <ashimko@bwsllaw.com>; Steve Roland <sroland@bwsllaw.com>; Gray, Matthew S. (SFO) <mgray@perkinscoie.com>  
**Cc:** Casey Strong <CStrong@rwglaw.com>; Day, Cameron <Cameron.Day@sanjoseca.gov>  
**Subject:** RE: Revised Draft Settlement Agreement

[External Email]

Lucy,

I just saw this email, will make this revision in the final.

Can someone please send where notices should go for SSE? With that, I can prepare an execution version.

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**From:** Lucy Lofrumento <lal@lmallp.com>  
**Sent:** Tuesday, May 25, 2021 3:05 PM  
**To:** Imwalle, Miles <mimwalle@coblentzlaw.com>; Phan, Johnny <Johnny.Phan@sanjoseca.gov>; Anna Shimko <ashimko@bwsllaw.com>; Steve Roland <sroland@bwsllaw.com>; Gray, Matthew S. (SFO) <mgray@perkinscoie.com>  
**Cc:** Casey Strong <CStrong@rwglaw.com>; Day, Cameron <Cameron.Day@sanjoseca.gov>  
**Subject:** [EXTERNAL] RE: Revised Draft Settlement Agreement

Thanks for the update – sounds encouraging.

By the way, I was re-reading the compiled document that Johnny sent out at 1:30, and it looks like the phrase highlighted below (from Paragraph 5) was inadvertently omitted from that draft:

Nothing in this section in particular, is intended to release the Parties or any other person from any claim that is not related, directly or indirectly, to the Project, the EIR, or the Project Approval through and including the Effective Date. In making this release, SSE acknowledges that Section 1542 of the Civil Code of the State of California provides as follows:

I am sure this is a result of my mistake, sending out the wrong draft initially. The attached email has the corrected document. Let me know if you have any questions about this.

Regards

Lucy



**Lucy Lofrumento**

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**From:** Imwalle, Miles <[mimwalle@coblenzlaw.com](mailto:mimwalle@coblenzlaw.com)>

**Sent:** Tuesday, May 25, 2021 2:54 PM

**To:** Lucy Lofrumento <[lal@lmallp.com](mailto:lal@lmallp.com)>; Phan, Johnny <[Johnny.Phan@sanjoseca.gov](mailto:Johnny.Phan@sanjoseca.gov)>; Anna Shimko <[ashimko@bwsllaw.com](mailto:ashimko@bwsllaw.com)>; Steve Roland <[sroland@bwsllaw.com](mailto:sroland@bwsllaw.com)>; Gray, Matthew S. (SFO) <[mgray@perkinscoie.com](mailto:mgray@perkinscoie.com)>

**Cc:** Casey Strong <[CStrong@rwglaw.com](mailto:CStrong@rwglaw.com)>; Day, Cameron <[Cameron.Day@sanjoseca.gov](mailto:Cameron.Day@sanjoseca.gov)>

**Subject:** RE: Revised Draft Settlement Agreement

I am working on getting approval to release, hopefully shortly, but we will be going with your definition of Project Approvals. We also need to make sure that the changes being approved tonight are not effective until the Agreement is effective, but that will be addressed through the Supplemental Memo. I am confirming whether we have anything further.

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**From:** Lucy Lofrumento <[lal@lmallp.com](mailto:lal@lmallp.com)>

**Sent:** Tuesday, May 25, 2021 2:38 PM

**To:** Phan, Johnny <[Johnny.Phan@sanjoseca.gov](mailto:Johnny.Phan@sanjoseca.gov)>; Anna Shimko <[ashimko@bwsllaw.com](mailto:ashimko@bwsllaw.com)>; Steve Roland <[sroland@bwsllaw.com](mailto:sroland@bwsllaw.com)>; Imwalle, Miles <[mimwalle@coblenzlaw.com](mailto:mimwalle@coblenzlaw.com)>; Gray, Matthew S. (SFO) <[mgray@perkinscoie.com](mailto:mgray@perkinscoie.com)>

**Cc:** Casey Strong <[CStrong@rwglaw.com](mailto:CStrong@rwglaw.com)>; Day, Cameron <[Cameron.Day@sanjoseca.gov](mailto:Cameron.Day@sanjoseca.gov)>

**Subject:** [EXTERNAL] RE: Revised Draft Settlement Agreement

Thanks – we'll review.

Do you have an idea of when we should expect to see Google's proposed edits? We are standing by.

Best

Lucy



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**From:** Phan, Johnny <[Johnny.Phan@sanjoseca.gov](mailto:Johnny.Phan@sanjoseca.gov)>

**Sent:** Tuesday, May 25, 2021 1:30 PM

**To:** Lucy Lofrumento <[lal@lmallp.com](mailto:lal@lmallp.com)>; Anna Shimko <[ashimko@bwsllaw.com](mailto:ashimko@bwsllaw.com)>; Steve Roland <[sroland@bwsllaw.com](mailto:sroland@bwsllaw.com)>; Imwalle, Miles <[mimwalle@coblenzlaw.com](mailto:mimwalle@coblenzlaw.com)>; Gray, Matthew S. (SFO) <[mgray@perkinscoie.com](mailto:mgray@perkinscoie.com)>

**Cc:** Casey Strong <[CStrong@rwglaw.com](mailto:CStrong@rwglaw.com)>; Day, Cameron <[Cameron.Day@sanjoseca.gov](mailto:Cameron.Day@sanjoseca.gov)>

**Subject:** Revised Draft Settlement Agreement

I believe this is the latest draft Settlement Agreement with SSE changes. Thanks. Johnny

**Johnny V. Phan**

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**Office of the City Attorney**

**City of San Jose**

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