

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: Draft Settlement Agreement
Date: Thursday, May 27, 2021 4:08:20 PM

From: Imwalle, Miles <mimwalle@coblentzlaw.com>
Sent: Tuesday, May 25, 2021 9:55 AM
To: Phan, Johnny <Johnny.Phan@sanjoseca.gov>; Gray, Matthew S. (SFO) <mgray@perkinscoie.com>
Subject: RE: Draft Settlement Agreement

[External Email]

Johnny,

This is what we'd propose for the Effective Date. I can also drop into the agreement but figured this would be easier.

1. Effective Date. The effective date of this Agreement shall be the date on which this Agreement is fully executed by all of the Parties and the City Council has approved the Project Approvals containing the modifications requested in Section 2 ("Effective Date"). The Parties' acknowledge that, as of the time of the City's signature of this Agreement on May 25, 2021, the City Council has not yet made a determination on the Project Approvals or the modifications requested in Section 2 and retains its full discretion regarding the approval of those items.

From: Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Sent: Tuesday, May 25, 2021 1:19 AM
To: Imwalle, Miles <mimwalle@coblentzlaw.com>; Gray, Matthew S. (SFO) <mgray@perkinscoie.com>
Subject: [EXTERNAL] FW: Draft Settlement Agreement

From: Phan, Johnny
Sent: Tuesday, May 25, 2021 1:18 AM
To: Lucy Lofrumento <lal@lmallp.com>
Cc: Jim Goddard <jgoddard@sapcenter.com>; Jonathan Becher <jbecher@sjsharks.com>; jgustafson@sharksice.com
Subject: Draft Settlement Agreement

I hit sent too quickly. See attached draft settlement agreement based on our discussion earlier today. Apologize for getting this out so late but we have been working as quickly as possible to get this to you. Given the rush and short time period to put the attached draft together, it is still subject to review by Google and City. Thank you and look forward to tomorrow's meeting to finalize.
Johnny

Johnny V. Phan

Chief Deputy City Attorney
Office of the City Attorney
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905
Main Ph: (408) 535-1900
Direct No.: (408) 535-1981
Fax No. (408) 998-3131

NOTICE TO RECIPIENT: This communication is intended **only** for the person to whom it is addressed, and may be protected by law. If you receive this in error, any review, use, dissemination, distribution, or copying is strictly prohibited. Please notify us immediately of the error and delete this communication and any attached documents from your system. Thank you for your cooperation.

From: Phan, Johnny
Sent: Tuesday, May 25, 2021 1:13 AM
To: Lucy Lofrumento <lal@lmallp.com>
Cc: Jim Goddard <jgoddard@sapcenter.com>; Jonathan Becher <jbecher@sjsharks.com>;
jgustafson@sharksice.com
Subject: Draft Settlement Agreement

See attached.

Johnny V. Phan

Chief Deputy City Attorney
Office of the City Attorney
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905
Main Ph: (408) 535-1900
Direct No.: (408) 535-1981
Fax No. (408) 998-3131

NOTICE TO RECIPIENT: This communication is intended **only** for the person to whom it is addressed, and may be protected by law. If you receive this in error, any review, use, dissemination, distribution, or copying is strictly prohibited. Please notify us immediately of the error and delete this communication and any attached documents from your system. Thank you for your cooperation.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.