



Montreal, August 29, 2025

WITHOUT PREJUDICE
BY EMAIL
(Original by Mail)

CITY AND COUNTY OF SAN FRANCISCO

Office of the City Attorney
c/o **David Chiu** | cityattorney@sfcityatty.org
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

OFFICE OF ECONOMIC AND WORKFORCE DEVELOPMENT

c/o **Anne Taupier**, Executive Director | anne.taupier@sfgov.org
City Hall, Room 448
1 Dr Carlton B. Goodlett Place
San Francisco, CA 94102

SAN FRANCISCO RECREATION AND PARK DEPARTMENT

City & County of San Francisco
c/o **Philip A. Ginsburg**, General Manager | phil.ginsburg@sfgov.org
McLaren Lodge in Golden Gate Park
501 Stanyan Street, San Francisco, CA, 94117

SAN FRANCISCO ART COMMISSION

c/o **Chuck Collins**, President | charles.collins1@sfgov.org
401 Van Ness Avenue, Suite 325
San Francisco, CA 94102

BOSTON PROPERTIES (BXP)

c/o **Aaron Fenton**, Senior Vice-President | afenton@bxp.com
Four Embarcadero Center
San Francisco, CA 94111

DOWNTOWN SAN FRANCISCO PARTNERSHIP

c/o **Robbie Silver**, President & CEO | rsilver@downtownsf.org
235 Montgomery Street, Suite 828
San Francisco, CA 94104

SUBJECT: *Vaillancourt et al. vs. City and county of San Francisco et al.*
Our File: 5066-1

To Whom It May Concern:

We represent Mr. Armand Vaillancourt, the internationally renowned artist and creator of the Vaillancourt Fountain (“*Québec Libre!*”), a landmark public artwork located at the Embarcadero Plaza in San Francisco.

It has come to our attention that the City of San Francisco, through its agencies, commissions and/or private partners, is actively considering and has already authorized steps toward the removal or destruction of the Vaillancourt Fountain, namely through a formal request to San Francisco’s Art Commission for the prompt deaccession of the Fountain from the Civic Art Collection. Any such action constitutes a wrongful and unlawful interference with Mr. Vaillancourt’s moral rights and with the cultural and public trust interests associated with his work.

Accordingly, on behalf of Mr. Vaillancourt, we hereby demand that the City and all other parties implicated in the redevelopment of Sue Bierman Park and Embarcadero Plaza **immediately cease and desist from taking any steps whatsoever that may endanger or damage the Vaillancourt Fountain**. This demand specifically includes, but is not limited to, demolition, dismantlement, or physical modification of the work.

In addition, we request that the City and all other recipients promptly notify the undersigned in writing of any and all contemplated actions, discussions, studies, hearings, or contractual arrangements concerning the Vaillancourt Fountain. The City has a duty to ensure transparency in this matter, and any failure to provide such notice will be treated as further evidence of bad faith.

Please be advised that if the City fails to comply with this demand, Mr. Vaillancourt together with half a dozen long-standing organizations whose mission is to preserve San Francisco’s unique architectural and cultural identity **will pursue all available remedies provided by law**, including but not limited to filing for injunctive relief in a court of competent jurisdiction. Moreover, given the City’s knowledge of the Fountain’s significance for both the cultural fabric of San Francisco and Mr. Vaillancourt’s rights, any reckless or bad-faith action will expose the City to liability for **exemplary damages**.

Furthermore, this letter shall serve as a formal demand to **preserve all evidence** relevant to the Vaillancourt Fountain, including but not limited to internal communications, emails, reports, studies, meeting minutes, commission records, and contracts. Any destruction, alteration, or spoliation of such evidence will itself constitute a sanctionable misconduct and will be addressed accordingly in court.

We strongly urge the City to take this demand seriously. Unless we receive written confirmation **within five (5) business days from the date of this letter** that the City will refrain from any action threatening the Vaillancourt Fountain and will keep us fully informed of any proceedings or decisions concerning the work, we will have no alternative but to initiate all appropriate legal proceedings without further notice or delay.

Nothing in this letter shall be deemed a waiver of any rights, claims, or remedies, all of which are expressly reserved.

DO GOVERN YOURSELVES ACCORDINGLY.



Me Sébastien Lormeau, B.Sc., LL.B.
Attorney at law

SL/mb