



DATE: April 14, 2015

TO: Mayor Sawyer and Members of the Council

FROM: Caroline Fowler, City Attorney

RE: Quarterly Report of Settlements and Active Litigation/Claims
for the First Quarter of 2015 (01/01/2015 to 03/31/2015)

On February 10, 2015, Council authorized the City Attorney to provide a quarterly report to the Council identifying any settlement agreements entered into by the City with a settlement amount over \$50,000 as recommended by the Open Government Task Force and to provide quarterly status reports regarding litigation matters pending against the City.

Attached as **Exhibit A**, is a list of settlements over \$50,000 which have been approved during the first quarter of 2015.

Attached as **Exhibit B**, is a list of ongoing litigation not yet been resolved. Included in this first quarter report are items that have been settled or dismissed in the fourth quarter of 2014.

Attached as **Exhibit C**, is a list of claims that have been assigned to the City Attorney's Office from the Risk Department in the first quarter of 2015.

EXHIBIT A

SETTLEMENTS OVER \$50,000 FINALIZED IN FIRST QUARTER 2015

Case Name	Date Settled	Amount	Notes
Marlon Whitmore v. City of Santa Rosa, et al.	3/3/2015	\$210,000	pending finalized settlement documents

EXHIBIT B

LITIGATION AS OF 3/31/2015

Full Case Name	Court/Case No.	Date Served	Amount Claimed	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<i>City of Santa Rosa v. Chamberlain-Nielsen Ranch, Ltd., et al.</i>	SCV 234406	03/17/04 & 03/18/04	in excess of \$25,000	Complaint on Performance Bond; Breach of Contract	Active - Set for Trial 09/18/2015	
<i>Raman D. Patel, et al. v. City of Santa Rosa, et al.</i>	C 06-3267		\$70 million	Federal Civil Rights filed against City after red light abatement actions against the Patels filed by City	Stayed until underlying proceedings against the Patel family are completed - no action by Patels	
<i>Mitchel, James A. v City of Santa Rosa</i>	SCV 242901	5/22/2008	unlimited	Complaint for Damages; Employee	Satisfaction of Judgment filed 3/11/2015- Pltff pd City for attorneys' fees \$46,884.17	3/11/2015
<i>Evan Rones, et al. v. A-1 Septic Construction, Inc., City of Santa Rosa, et al.</i>	RG10696023	02/03/10	According to proof	Complaint for Damages, Restitution and Injunctive Relief (Failure to Pay Wages and Overtime)	Tender of Defense sent on 2/5/10 to A-1 Septic and Suretec	
<i>City of Santa Rosa v. Villages at Wild Oak Association, et al.</i>	SCV 248544	11/10/10		Complaint for Declaratory Relief; to Abate Violations of City Code and for Prescriptive Public Easement	Active - tentative settlement being negotiated	

<i>Colleen Maguire v. City of Santa Rosa</i>	C11-02352 USDC	05/27/11	According to proof	ADA Complaint – wheelchair- bound plaintiff alleges fall due to inaccessible curb ramp	Active - Ongoing monitoring under Consent Order	Consent Order filed 3/6/13
<i>Rafael Mateos-Sandoval and Simeon Avenida Ruiz v. County of Sonoma, City of Santa Rosa, et al.</i>	CV-11 5817 EDL	1/3/12	TBD	Class Action Complaint for Damages and Injunctive Relief	Active - Pleading stage, Class Action Certification Denied in Feb 2015.	
<i>Citizens for Safe Neighborhoods v. City of Santa Rosa, et al.</i>	SCV-252028	7/25/12	TBD	Petition for Writ of Mandate	On Appeal - ruling in favor of City	
<i>CSR v. Insurance Co. of the West, et al.</i>	SCV-252597		TBD	Complaint on Performance Bond; Declaratory Relief	Settled - City recovered \$185k	settled in 2014
<i>April Wagner v. City of Santa Rosa, et al.</i>	SCV-252508	10/24/12	According to proof	Dangerous Condition	Active - Discovery	
<i>Daniel McGillicuddy v. City of Santa Rosa, et al.</i>	SCV-252694	11/28/12	Acc. To Proof	Dangerous Condition	Consolidated with Wagner	
<i>Dean Butcher v. Kristine Stubblefield; City of Santa Rosa, et al.</i>	SCV-252577	11/26/12	Acc. To proof	Dangerous Condition	Settled - dismissal not filed \$0.00	Notice of Settlement filed 09/23/2014
<i>Ronald Majesky v. City of Santa Rosa, et al.</i>	SCV-252763	12/12/12	Acc. To proof	Premise Liability: Negligence; Dangerous Condition - Trip and Fall	Defense verdict at Trial	Defense Verdict 2014
<i>Taylor Dane v. The City of Santa Rosa, et al.</i>	SCV-253003	01/09/13	TBD	Declaratory and Injunctive Relief	On Appeal - ruling in favor of City	
<i>David D. Webb v. City of Santa Rosa</i>	SCV-253065	01/29/13	TBD	Petition for Order Relieving Petitioner from Prov. Of Govt. Code Sec. 945.4	Dismissed \$0.00	12/15/2014

<i>Earl Kennedy and Monique Yvonne Isom v. County of Sonoma, City of Santa Rosa, et al.</i>	SCV-252753	11/21/12	TBD	Negligence, Willful & Wanton Misconduct; Dangerous Condition of Public Property; Negligent Infliction of Emotional Distress	Active - Discovery	
<i>Mark Gregory v. MV Transportation, Inc., the City of Santa Rosa, et al.</i>	SCV-253341	03/25/13	TBD	Complaint for Damages; negligence	Tendered Defense	
<i>Jukebox Guys Corporation v. CITY OF SANTA ROSA, et al.</i>	SCV-253428	03/28/13	TBD	Complaint for Injunctive Relief to Prevent Destruction of Seized Property	Dismissed	03/12/15
<i>Airport Business Center, et al. v. City of Santa Rosa</i>	SCV-253897	07/02/13	TBD	Petition for Peremptory Writ of Mandate and Complaint for Declaratory Relief	Active - Pleadings	
<i>Adam Bigham v. CITY OF SANTA ROSA, et al.</i>	SCV-253926	07/18/13	TBD	Complaint for Negligence re roadway design (auto v. bicycle fatality)	Active - Discovery	
<i>California Business Services Center, LLC d.b.a. Justice PCS v. CITY OF SANTA ROSA, et al.</i>	SCV-253998	07/22/13	TBD	Complaint for return of possession of personal property; Declaratory Relief; Injunctive Relief	Dismissed	10/10/14
<i>Marlon Whitmore v. CITY OF SANTA ROSA, et al.</i>	C 13-1408	07/24/13	TBD	Violation of civil rights; unlawful search and seizure; excessive force	Settled - \$210,000 City Portion pending finalized documents	pending finalized settlement documents
<i>Savannah Burns, a minor, by and through her Guardian Ad Litem, William Burns; et al. v. City of Santa Rosa, Does</i>	SCV-254108	08/16/13	TBD	personal injury; dangerous condition of public property	Settled-\$37,500	12/15/14
<i>Mariann Cherney v. Bennett Valley School District, City of Santa Rosa</i>		08/29/13	TBD	sidewalk trip and fall	Settled - \$2,750, pending finalized documents	settled 12/2014

<i>Cody Molica v. SANTA ROSA POLICE DEPARTMENT, et al.</i>	CV 13-3185	09/09/13	\$120,000 +	Violation of civil rights; unlawful search and seizure; excessive force	Active - awaiting MSJ ruling	
<i>Samuel P. Siebert v. City of Santa Rosa, et al.</i>	SCV-252626		TBD	trip and fall	Tendered Defense	
<i>Christian O'Brien, a minor, by and through his Guardian Ad Litem, Jamie O'Brien v. City of Santa Rosa, et al.</i>	SCV-257336	10/30/13	TBD	personal injury; premises liability	Dismissed \$0.00	12/04/14
<i>James Phillips v. City of Santa Rosa, et al.</i>	USDC CV 13-5844	01/06/14	TBD	Excessive force, violation of civil rights	Settled \$35,000	10/07/14
<i>Linda Sparks v. City of Santa Rosa</i>	SCV-255140	03/17/14	TBD	Premise Liability - trip and fall	Settled \$2,500	settled - dismissal not filed yet
<i>Gene Bell v. City of Santa Rosa, et al.</i>	SCV255217	04/10/14	TBD	Complaint for Damages for Personal Injuries	Dismissed \$0.00; City is seeking reimbursement of costs	03/03/15
<i>Charles T. Jensen, et al. v. City of Santa Rosa, et al.</i>	SCV255347	04/21/14	TBD	Petition for Writ of Mandate	On Appeal - ruling in favor of City	
<i>Colleen Flynn v. City of Santa Rosa, et al.</i>	SCV255429	05/09/14	TBD	Petition for Writ of Mandate Compelling Disclosure of Public Records, Materials and Information; Notice of Motion	Settled \$16,795	01/28/15
<i>Kyle David Biedma, et al. City of Santa Rosa, et al.</i>	SCV-255382	05/23/14	TBD	Complaint for Negligence, False Imprisonment, Battery, Malicious Prosecution, Violation of Civil Rights	Active - Pleadings Third Amended Complaint filed	
<i>Ronald B. Pike v. City of Santa Rosa, et al.</i>	SCV-255591	06/12/14	TBD	Complaint for personal injury damages re Fire Training Tower at SRJC	Set for Trial 11/13/2015	

<i>Jorge Quinones Nava v. City of Santa Rosa and Does 1-10</i>	SCV-255826	07/29/14	TBD	Complaint for Personal Injuries	Active - Discovery	
<i>Michael K. Davis, Sr. v. City of Santa Rosa, Office of the City Attorney</i>	SCV-255916	09/02/14	\$1,560,000	Complaint for Personal Injuries re Bicycle Accident	Dismissed	10/13/14
<i>Lena Harter, et al.v. CSR</i>	SCV-255401	09/04/14	TBD	Complaint for Survival/Wrongful Death; Negligence; Dangerous Condition of Public Property	Active - Pleadings	
<i>The Tuxhorn Company, Inc., et al.vs. City of Santa Rosa, , et al.</i>	SCV 256192	10/13/14	TBD	Complaint for Restitution and Refunds of Unjustified Water and Wastewater Deman Fees; Declaratory and Injunctive Relief and Petition for Writ of Mandate	Active - Pleadings	
<i>Bernard Norton, Jr. v. Santa Rosa Police Dept.; City of Santa Rosa</i>	C 14-4352 KAW	10/22/14	\$700,000	Complaint for violation of civil rights, excessive force, false arrest	Set for Trial 01/26/16	
<i>Randolph Dale v. Jill Ravitch; Santa Rosa Police Department; et al.</i>	SCV-255646	10/22/14	TBD		Dismissed	
<i>CVSR Holdings, LLC v. City of Santa Rosa</i>	SCV-256350	12/01/14	\$466,854.05	Breach of Contract	Active - Pleadings and Discovery	
<i>Terry L. Weiss v. Santa Rosa Police Department</i>	SCV-256056	12/10/14	TBD	False arrest, unlawful detainment, violation of civil rights; negligence	Active - Pleadings	
<i>Karen Borgfeldt v City of Santa Rosa</i>	MCV-234350	12/18/14	TBD	Complaint for personal injury and negligence	Active - Discovery	
<i>Charles Craft v. City of Santa Rosa</i>	SCV-256524	01/27/15	TBD	Complaint for personal injury and negligence due to improperly secured wheelchair on city bus	Active - Discovery	
<i>Paul Bussard and Lynn Denley-Bussard v. the City of Santa Rosa, et al.</i>	SCV-256670	01/30/15	TBD	Petition for Writ of Mandate	Active - Discovery	

<i>Meritage Homes of California, Inc. v. City of Santa Rosa</i>	SCV-256454	01/13/15	TBD	Complaint for Breach of Contract and Unjust Enrichment	Active - Pleadings and Discovery	
<i>Sheila Roff v. City of Santa Rosa; et al.</i>	SCV-256656	03/11/15	TBD	Personal Injury - Trip and Fall on sidewalk	Active - Pleadings	
<i>Mark Buras v. City of Santa Rosa; et al.</i>	C 15-01070	03/12/15	TBD	Complaint for Civil Rights Violation and Damages	Active - Pleadings	
<i>Robert Fowler v. City of Santa Rosa; et al.</i>	C 15-01182	03/16/15 on SRPD; 3/23/15 on City	TBD	Complaint for false arrest, assault and battery; false imprisonment	Active - Pleadings	
<i>Brian Kestler v. City of Santa Rosa, et al.</i>	C 15-01361	3/27/2015	TBD	Complaint for Damages	Active-Pleadings	
<i>Jose Godoy, et al. v. City of Santa Rosa, et al.</i>		3/31/2015				

EXHIBIT C

NEW CLAIMS FILED IN FIRST QUARTER OF 2015

Claimant Name	Claim Amount	Date of Incident	Date of Claim	Location	Description
Michael E. Rose	In excess of \$30,000	7/18/2014	1/12/2015	Mendocino Avenue and Silva Avenue	Pedestrian struck by car in marked crosswalk. Claims lack of lighting, Improperly maintained lighting and improper design of crosswalk.
Massie, Christine	\$1,000	6/16/2014	1/20/2015	Fountaingrove Parkway	Claims loss of consortium for husband's claim of David John Massie (filed separately on 12/02/2014)
Leal, Alma Lydia	10,000	11/3/2014	2/10/2015	Palm Street	Claims violation of civil rights
Herrera, Laurie	Unknown	8/17/2014	2/13/2015	Rinconada	Claims defect in sidewalk caused by tree roots intrusion