



DATE: July 26, 2016

TO: Mayor Sawyer and Members of the Council

FROM: Teresa Stricker, Interim City Attorney

RE: Quarterly Report of Settlements and Active Litigation/Claims
for the Second Quarter of 2016 (4/1/2016 to 6/30/2016)

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 pending litigation matters.

Attached as **Exhibit A**, is a list of settlements over \$50,000 which have been approved during the second quarter of 2016.

Attached as **Exhibit B**, is a list of ongoing litigation not yet been resolved as of June 30, 2016.

Attached as **Exhibit C**, is a list of new claims that have been assigned to the City Attorney's Office from the Risk Department in the second quarter of 2016.

EXHIBIT A

SETTLEMENTS OVER \$50,000 FINALIZED IN SECOND QUARTER 2016

Case Name	Date Settled	Amount	Description	Notes
<i>City of Santa Rosa v. Chamberlain-Nielsen Ranch, Ltd., et al.</i>	Pending fully executed copy of Settlement Agreement	\$80,000	Complaint on Performance Bond; Breach of Contract	\$80,000 received by the City of Santa Rosa.

EXHIBIT B

LITIGATION AS OF 6/30/2016

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	City to receive \$80,000	Complaint on Performance Bond; Breach of Contract	Settled - \$80k to City; checks received	Dismissed 7/7/16
<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	Judgment entered against City; appeal filed; stayed as to Church	
<i>Rafael Mateos-Sandoval and Simeon Avendano Ruiz v. County of Sonoma, City of Santa Rosa, et al.</i>	CV-11 5817 EDL	01/03/12	TBD	Class Action Complaint for Damages for police vehicle impoundments	Active; class certification denied	On Appeal; U.S. Appeal Court, Ninth Circuit
<i>Citizens for Safe Neighborhoods v. City of Santa Rosa, et al.</i>	SCV-252028	07/25/12	TBD	Petition for Writ of Mandate	On Appeal - ruling in favor of City	
<i>April Wagner v. City of Santa Rosa, et al.</i>	SCV-252508	10/24/12	According to proof	Dangerous Condition	Successful MSJ on 3/9/2016 as to April Wagner only	
<i>Daniel McGillicuddy v. City of Santa Rosa, et al.</i>	SCV-252694	11/28/12	Acc. To Proof	Dangerous Condition	Awaiting trial date	
<i>Taylor Dane v. The City of Santa Rosa, et al.</i>	SCV-253003	01/09/13	TBD	Declaratory Relief for taxpayer standing	Appeal stayed by California Supreme Court	
<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)	Settled - Bigham \$7,500	Dismissed 6/3/2016

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Full Case Name	Court/Case No.	Date Served	Amount Claimed	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<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>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	Settled - no contribution by City.	Dismissed 5/25/2016
<i>Lena Harter, et al. v. CSR</i>	SCV-255401	09/04/14	TBD	Complaint for Survival/Wrongful Death; Allege line of sight inadequate at Hoen and Boston Ct.	Active - Set for Trial 1/20/17	
<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	Settled for \$10k; Dismissed	Settled 4/26/2016; Dismissed 5/12/2016
<i>People of the State of CA, City of Santa Rosa v. Marie B. Tanner, et al.</i>	SCV-256326	11/12/14	TBD	Complaint and Petition for Injunctive Relief, Abatement of Nuisance and Appointment of Receiver - 653 Wheeler Street	Active - Receiver Appointed 7/23/2015	
<i>People of the State of CA, City of Santa Rosa v. Juan Martin Suarez, et al.</i>	SCV-256582	11/24/14	TBD	Complaint and Petition for Injunctive Relief, Abatement of Nuisance and Appointment of Receiver - 509 Olive Street	Active - Receiver Appointed 6/16/2015	
<i>CVSR Holdings, LLC v. City of Santa Rosa</i>	SCV-256350	12/01/14	\$466,854.05	Breach of Contract	Active - Awaiting ruling on Demurrer	

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LITIGATION AS OF 6/30/2016

Full Case Name	Court/Case No.	Date Served	Amount Claimed	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<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>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	Settled \$20k	Settled 4/7/2016; Dismissal filed 4/14/16
<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	
<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 - Set for Settlement Conference 7/25/16; and Trial 8/5/16	
<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 - Discovery; Set for Trial 9/6/2016	
<i>Brian Kestler v. City of Santa Rosa, et al.</i>	C 15-01361	03/27/15	TBD	Complaint for Damages	Active - Discovery	
<i>Jose Godoy, et al. v. City of Santa Rosa, et al.</i>		03/31/15	TBD	Complaint for Damages (Unreasonable Seizure, Unconstitutional, Battery, Negligence, & Violation of Civil Rights)	Dismissal for waiver of costs pending	
<i>Riccardo Capachilli, et al. v. City of Santa Rosa, et al.</i>	SCV-256628	04/02/15	TBD	Writ of Mandate to Compel Return of Seized Property and for other Relief	Active - Pleadings	

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<i>Seth McDonald v. City of Santa Rosa, et al.</i>	SCV-256495	05/26/15	TBD	Complaint for personal injury - motorcycle accident	Active - Set for Trial 11/4/2016	
<i>City of Santa Rosa v. Hillcone Steamship Company, et al.</i>	SCV-257219	06/03/15	TBD	Complaint to quiet title to Oakmont Treatment Plant property	Active - Pleadings	
<i>United States, et al., ex rel. John Hendrix v. J-M Manufacturing Company, Inc., et al.</i>	ED CV06-0055-GW		TBD	Federal qui tam action (and stayed state court action) filed against water pipe manufacturer for false claims	Active - Discovery and Phase 2 damages trial pending	
<i>Laurie Herrera v. Donald Hughes, City of Santa Rosa and Does 1 to 100</i>	SCV-256908	8/17/2015	TBD	Roller skater fall on sidewalk	Active - discovery phase; Trial set 10/7/16	
<i>Department of Fair Employment and Housing, an agency of the State of California v. City of Santa Rosa; and Does One through Ten, inclusive, Thomas Draper, Real Party in Interest</i>	SCV-257379	8/24/2015	TBD	Complaint for Injunctive Relief and Compensatory Damages	Active	
<i>State of California, ex rel. Onthegowireless LLC v. Cellco Partnership, et al. (formerly Under Seal)</i>	Sacramento Superior Court Case No. 34-2012-00127517			Qui Tam action for excess phone charges	Council authorized intervention into litigation.	
<i>Mossi v Carol Ann Molln, City of Santa Rosa, Does 1-20, Inclusive</i>	SCV-257715	10/19/2015	TBD	Complaint for personal injury - trip and fall	City dismissed 6/27/16	06/27/16

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LITIGATION AS OF 6/30/2016

Full Case Name	Court/Case No.	Date Served	Amount Claimed	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<i>Rheanna Kennedy v. Sonoma County Superior Court, Chris Malhurin, City of Santa Rosa as the Santa Rosa Police Department, et al.</i>	15-cv-01642-KAW	12/8/2015	TBD	Complaint for Damages	Dismissed via Court Order 6/29/2016	06/29/16
<i>Wendy Flood v. City of Santa Rosa and Does 1-50</i>	SCV-258183	12/30/2015	TBD	Complaint for Personal Injury; cyclist vs. pothole	Trial set for 12/2/2016	
<i>John Dumbrille v. City of Santa Rosa and Does 1 to 20</i>	SCV-258098	3/14/2016	Unknown	Complaint for Personal Injury and Property Damage; trip and fall	Trial set 11/4/16	
<i>Richard Marcus v. City of Santa Rosa, THI VI Sonoma, LLC, and Does 1-10</i>	SCV-258347	2/8/2016		Personal injury sidewalk trip and fall.	Active - discovery underway; Trial set for 4/7/17	
<i>Kristan Gilligan v. City of Santa Rosa, William Giles and Does 1-100</i>	SCV-258511	3/22/2016	Unknown	Complaint for Personal Injury and Property Damage; auto rearend by employee	Active - Trial set for 4/28/17	
<i>Julio Lemus Villa, an individual, v. Benjamin Harold Scott, an individual; City of Santa Rosa, a public entity; County of Sonoma, a public entity; and Does 1 through 50, inclusive</i>	SCV258682	5/31/2016	Unknown	Complaint for Damages- Negligence and Dangerous Condition of Public Property (Highway 12	Active	
<i>Jason Ferry v. John Meteyer; City of Santa Rosa; and Does 1 to 10</i>	SCV-258219	6/7/2016	Unknown	Complaint for personal injury; property damage (sideswipe by motorcycle officer	Active-discovery underway	

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Full Case Name	Court/Case No.	Date Served	Amount Claimed	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<i>Neva Williamson v. City of Santa Rosa</i>	SCV-258519	4/7/2016	Unknown	Claims Santa Rosa Paratransit bus driver failed to secure her when she was trying to get on bus and caused her to fall to the ground	defense tendered to MV Transportation	

EXHIBIT C

NEW CLAIMS FILED IN SECOND QUARTER OF 2016

Claimant Name	Claim Amount	Date of Incident	Date of Claim	Location	Description of Claim
Warrick, Robert	TBD	4/8/2016	4/22/2016	Intersection of Guerneville and Marlow Rds.	Claims CityBus made an unsafe lane change and collided with claimant's Porche
Shotwell, Sandra	TBD	10/27/2015	4/27/2016	SRJC Women's Locker Room	Claims SRPD violated civil rights
Lemmons, Bryce	5,000,000	12/27/2015	5/2/2016	Sonoma County Jail	Claims he suffered injuries while in custody, including loss of part of his left leg and right toe.
Blanchette, Laurence	8/12/1900	2/26/2016	5/3/2016	Place to Play Park, 2375 West 3rd St., sr	Claims he was running with his dog when the dog (on leash and harness) was attacked by a K-9 Unit
Kniffin, Scott M.	\$15,100	2/15/2016	5/9/2016	820 Ripley Street	Claim he fell while stepping down off a high curb and steep gutter.
Fernandez-Giovacchini, Gina Mane		4/7/2016	5/16/2016	Fourth Street	Claims her heel got caught in a good size hole on Fourth Street.
Fleming, Ladonnya	\$750	4/4/2016	5/16/2016	Santa Rosa (stolen car)	Claims towing and storage fees due to incorrect contact no. on police report when vehicle was recovered
Newman, Michael	\$750	1/19/2016	5/25/2016	456 Macklyn Ave., Unit B	Claims police damaged ceiling while searching for a bullet
Turek, Sue; Turek, Blaise; Thomas, John	\$10,000.00 +	12/24/2015	5/31/2016	1764 & 1772 Lynn Dr.; Penngrove	Claimants allege City partially responsible for well contamination on their respective properties
Perpinan, John	In excess of \$25,000	12/11/2015	6/9/2016	Hillyard Comstock Middle School, 2750 W. Steele Lane, SR 95403	Claimant alleges his minor son was stalked, assaulted, bullied, etc at school
Reed, Tyrone	TBD	6/16/2016	6/17/2016	6920 Commerce Blvd., #2, Rohnert Park	Claims police broke into room and damaged closet doors

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Claimant Name	Claim Amount	Date of Incident	Date of Claim	Location	Description of Claim
Floyd, Victor	In excess of \$25,000	12/24/2015	6/23/2016	Guerneville Road	Claims he was walking southbound in crosswalk on Guerneville Road when he was struck by a car.