



DATE: April 4, 2017

TO: Mayor Coursey and Members of the Council

FROM: Teresa Stricker, Interim City Attorney

RE: Quarterly Reports of Settlements and Active Litigation/Claims
for the Third Quarter of 2016 through the First Quarter of 2017 (7/1/2016 to
3/31/2017)

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.

The City Attorney's Office, during the recent transition period, inadvertently failed to provide quarterly reporting due to a calendaring error. This has been resolved and this report includes all missed quarters and reporting will proceed quarterly hereafter.

Attached as **Exhibit A**, is a list of settlements over \$50,000 which have been approved within the third and fourth quarter of 2016 and first quarter of 2017.

Attached as **Exhibit B**, is a list of ongoing litigation not yet been resolved as of March 31, 2017.

Attached as **Exhibit C**, is a list of new claims that have been assigned to the City Attorney's Office from the Risk Department within the third and fourth quarter of 2016 and first quarter of 2017.

EXHIBIT A

SETTLEMENTS OVER \$50,000 FINALIZED IN THIRD & FOURTH QUARTER 2016 AND FIRST QUARTER 2017

Case Name	Date Settled	Amount	Description	Notes
<i>Wendy Flood v. City of Santa Rosa and Does 1-50</i>	9/29/2016	\$210,000	Complaint for Personal Injury	For Settlement of Complaint.
<i>Seth McDonald v. City of Santa Rosa, State of California; County of Sonoma; Kelly Michael Brown and Does 1 through 100</i>	12/15/2016	\$637,500	Personal Injury - Loss of Limb	Settled for \$1.1m; City's Share \$637,500 (\$137,500 of that amount was paid by City's excess carrier).
<i>City of Santa Rosa v. Villages at Wild Oak Association, et al.</i>	12/15/2016	\$182,739	Public Access Easement Dispute	
<i>Buras v. City of Santa Rosa, et al.</i>	03/30/2017	\$150,000	Complaint for 4th Amendment Violation	

EXHIBIT B

LITIGATION AS OF 3/31/2017

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. 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	Appeal Dismissed; Settled	Settled on 11/14/2016 (Wild Oak Association) & 12/18/2016 (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 - on Appeal in U.S. Appeal Court, Ninth Circuit from judgment against City and denial of class certification	
<i>Citizens for Safe Neighborhoods v. City of Santa Rosa, et al.</i>	SCV-252028	07/25/12	TBD	Petition for Writ of Mandate challenging the City's approval of a use permit to BoDean Asphalt Plant	City prevailed on Appeal 08/17/2016	8/17/2016
<i>April Wagner v. City of Santa Rosa, State of California; Anne E. Foster, et al. (case consolidated with SCV-252694 below)</i>	SCV-252508	10/24/12	According to proof	Dangerous Condition	Successful MSJ on 3/9/2016 as to April Wagner	3/9/2016
<i>Daniel McGillicuddy v. State of California, County of Sonoma, City of Santa Rosa, et al.</i>	SCV-252694	11/28/12	Acc. To Proof	Dangerous Condition	Settled on 3/20/17 for \$7,500; dismissal pending	Settled on 3/20/17; dismissal pending

EXHIBIT B

LITIGATION AS OF 3/31/2017

Full Case Name	Court/Case No.	Date Served	Amount Claimed	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<i>Taylor Dane v. The City of Santa Rosa, et al.</i>	SCV-253003	01/09/13	TBD	Complaint for Declaratory and Injunctive Relief	City's Demurrer Granted Denying Plaintiff's Motion for Preliminary Injunction on 4/3/2013	Appeal stayed by California Supreme Court
<i>Charles T. Jensen, et al. v. City of Santa Rosa, et al. (SAY)</i>	SCV255347	04/21/14	TBD	Petition for Writ of Mandate CEQA challenge to SAY Dream Center approval	Judgment for City; On Appeal, Awaiting Hearing Date.	
<i>Lena Harter, et al. v. CSR</i>	SCV-255401	09/04/14	TBD	Complaint for Survival/Wrongful Death - Dangerous Condition	Active - Trial date postponed and not yet set	
<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	

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LITIGATION AS OF 3/31/2017

Full Case Name	Court/Case No.	Date Served	Amount Claimed	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<i>CVSR Holdings, LLC v. City of Santa Rosa, et al.</i>	SCV-256350	12/01/14	\$466,854.05	Breach of Contract	Trial set for 09/15/2017	
<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 - Discovery Underway. Set for Trial 02/12/2018	
<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 challenging the City's approval of Calistoga Cottages Subdivision	Judgment for City on 05/27/2016 ; On Appeal, Awaiting Hearing Date.	
<i>Sheila Roff v. City of Santa Rosa; et al.</i>	SCV-256656	03/11/15	TBD	Personal Injury - Trip and Fall on sidewalk	Voluntary Dismissal	Dismissal filed
<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	Settled on 3/30/2017	03/30/17
<i>Brian Kestler v. City of Santa Rosa, et al.</i>	C 15-01361	03/27/15	TBD	Complaint for Civil Rights Violation and Damages	Active - Set for Trial 06/20/2017	
<i>Jose Godoy, et al. v. City of Santa Rosa, et al.</i>		03/31/15	TBD	Complaint for Damages (Violation of 1st and 14th Amendment; Municipal Liability; Battery; Negligence; Violation of Civil Rights & Failure to Prevent/Interced Tacit Collaboration)	Dismissal for waiver of costs	Dismissed 8/23/2016

EXHIBIT B

LITIGATION AS OF 3/31/2017

Full Case Name	Court/Case No.	Date Served	Amount Claimed	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<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; Certification of the Case as a class action and other relief	Active - Pleadings	
<i>Seth McDonald v. City of Santa Rosa, et al.</i>	SCV-256495	05/26/15	TBD	Complaint for personal injury - motorcycle accident	Settled for \$637,500 (City's Share \$500k)	12/12/16
<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, et al.</i>	SCV-256908	8/17/2015	TBD	Roller skater fall on sidewalk	Settled with City for \$7,500	11/16/16
<i>Department of Fair Employment and Housing, an agency of the State of California v. City of Santa Rosa; et al. - Thomas Draper, Real Party in Interest</i>	SCV-257379	8/24/2015	TBD	Complaint for Injunctive Relief and Compensatory Damages re alleged discrimination	Settled with City for \$20,000	02/02/17
<i>State of California, ex rel. Onthegowireless LLC v. Cellco Partnership, et al.</i>	Sacramento Superior Court Case No. 34-2012-00127517			Qui Tam action for excess phone charges	Active - Discovery Ongoing	

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<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	Settled with City for \$210,000	09/29/16
<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	Active - Set for Trial 03/28/2017	
<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.	Settled with City for \$5k	02/09/17
<i>Kristan Gilligan v. City of Santa Rosa, William Giles, et al.</i>	SCV-258511	3/22/2016	Unknown	Complaint for Personal Injury and Property Damage; auto rearend by employee	Settled with City for \$17.5k	01/13/17
<i>Julio Lemus Villa v. Benjamin Harold Scott, City of Santa Rosa, County of Sonoma, et al.</i>	SCV258682	5/31/2016	Unknown	Complaint for Damages- Negligence and Dangerous Condition of Public Property (Highway 12)	Active / Demurrer pending; likely to be dismissed	
<i>Jason Ferry v. John Meteyer; City of Santa Rosa; et al.</i>	SCV-258219	6/7/2016	Unknown	Complaint for personal injury; property damage (sideswipe by motorcycle officer)	Active - Set for Trial 06/02/2017	
<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	defense tendered to MV Transportation - Settled	Settled

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Full Case Name	Court/Case No.	Date Served	Amount Claimed	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<i>Norman Greenbaum v. City of Santa Rosa, et al.</i>	SCV-258671	8/15/2016	Over \$25K	Complaint for Damages Dangerous Condition of Public Property and Negligence	Dismissal Pending	
<i>Cory Anthony DeBari v. Mathew White</i>	SCV-259138	7/20/2016	Unknown	Complaint for Concealment		Dismissed 8/23/2016
<i>Bryce Lemmons v. County of Sonoma, California Forensics Medical Group, Inc., City of Santa Rosa, et al.</i>	USDC C16-04553 WHO	8/30/2016	\$ 5 mil	Complaint for Civil Rights Violation; Negligence	Active - Discovery Underway. Set for Trial 03/05/2018	
<i>Alexander Kaplan dba Wildcat Construction v. Cal-C.A.D.E. Construction, Inc., James Gallagher, Paul McKenna, Streamline Custom Builders, Inc., The City of Santa Rosa, Wells Fargo, N.A., et al.</i>	SCV-259471	10/20/2016	\$48,779 +	Complaint for Breach of Contract; foreclosure of Mechanic's Lien	Dismissed	11/15/16
<i>Robert J. Warrick, Jr. v. Dwight Reed, City of Santa Rosa, et al.</i>	SCV-259744	11/11/2016	TBD	Complaint for Personal Injury (Motor Vehicle) - City Bus v. Motor Vehicle	Active - Discovery underway. Set for Trial 11/3/2017	
<i>Sheila Cassell v. City of Santa Rosa and Robert Spillane</i>	SCV-259191	9/7/2016	TBD	Personal Injury; Trip and Fall - Dangerous Condition	Dismissed	11/21/16
<i>Tonya May v. City of Santa Rosa, Mark Avila Viera, Focus Real Estate, et al.</i>	SCV-258972	10/4/2016	TBD	Personal Injury; Trip and Fall - Dangerous Condition	Active - Pleadings	
<i>Damien Cesena v. City of Santa Rosa</i>	SCV-260297	3/10/2017	TBD	Complaint for Violation of 4th and 14th Amendments	Active - Pleadings	

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Full Case Name	Court/Case No.	Date Served	Amount Claimed	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<i>Sergio Hernandez, Sr. v. Novato Disposal Service, Inc.; North Bay Corporation; The Ratto Group of Companies Inc.; Redwood Empire Disposal, Sonoma County, Inc.; City of Santa Rosa; Jesus Albavieramendiola, et al.</i>	SCV-260326	3/27/2017	TBD	Complaint for Personal Injury - Motor Vehicle and Negligence (Garbage Truck and Motor Vehicle)	Active - Pleadings	

EXHIBIT C

NEW CLAIMS FILED IN THIRD & FOURTH QUARTER 2016 AND FIRST QUARTER 2017

Claimant Name	Claim Amount	Date of Incident	Date of Claim	Location	Description of Claim
Steiner, Herbert	Unknown	Ongoing	12/1/2015	2210 Newgate Court	Homeowner alleges noise/vibration from City water valve
Knott, Chelsea	TBD	6/18/2016	7/5/2016	Lewis Road - sidewalk by bus stop near the Fire Station	Claims she tripped on two inch high crack in sidewalk.
Wattz, Rochelle	\$500,000.00	1/22/2016	7/20/2016	4012 Shadowhill Dr.	Claims emotional distress, etc., alleging that police illegally searched her house after a fire where marijuana was found in garage
DeBari, Cory	\$5,000,000.00	6/7/2016	6/14/2016	SRPD	Claims officer lied
Pryne, Kevin	\$912.45	4/3/2016	7/14/2016	Santa Rosa Memorial Hospital	Claims he received medical treatment without his consent at insistence of SRPD
Thompson, Donna	\$2,000.00	4/28/2016	7/27/2016	Rodeway Inn	Claims phone and wallet were given to husband by SRPD against her wishes while enroute to Sutter Hospital
Trippo, Gwen	TBD	10/6/2016	7/13/2016	Santa Rosa City Bus, not specified where	Claims she was exiting city bus when the bus door closed on her right arm
Smith, Veronica A.	\$1,000,000.00	3/25/2016	8/11/2016	Llano Road south of Meadow Lane	Claims her vehicle was hit by City employee, driving a city vehicle, when he turned in front of her
Gallardo, Raul	No amount listed	8/14/2016	8/29/2016	Not listed	Claims he tripped in the dark on uneven pavement
Parsley, Ruby	At least \$370.00	7/20/2016	9/6/2016	Courtyard at Person Senior Center	Claims she tripped on a bolt and broke a tooth
Warrick, Robert	TBD	4/8/2016	9/19/2016	Intersection of Guerneville Road and Ridley Ave.	Claims bus made an unsafe lane change colliding with vehicle and center median
Unangst, Joyce	\$500,000.00	4/5/2016	9/30/2016	420 College Ave and 30 Mark West Springs Rd	Claims she was falsely imprisoned/arrested for risk of possible suicide

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Claimant Name	Claim Amount	Date of Incident	Date of Claim	Location	Description of Claim
Bronson, Kayla Nicole	\$18,498.00	8/12/2016	10/5/2016	West Barham Street	Claims police officer hit her car
Barrera, Enma Josefa	\$40,619.13	5/20/2016	11/18/2016	Santa Rosa Avenue, 30 feet of Bellevue Avenue	Claims she was hit by a car in the crosswalk, and claiming dangerous condition
Aversa, Marianna	TBD	5/29/2016	11/28/2016	1311 West Steele Lane, Santa Rosa, Ca	Claims she tripped on a raised sidewalk
Gonzalez, Nicole	TBD	6/6/2014	11/30/2016	Marlow and Piner Roads, Santa Rosa	Claims she sustained personal injury as a passenger on CityBus that collided with third party auto
Berman, Dale	In excess of \$100,000	6/5/2016	12/2/2016	Southeast corner of Morgan and 6th street	Claims he fell on a raised curb
Bronson, Julianne	TBD	6/14/2016	12/14/2016	Sebastopol Road/Santa Rosa Ave bus stop. Across st. from bus stop Bille Jean #465	Claims she was hurt exiting bus
Mathis, Jennifer	\$26,000.00	6/20/2016	12/14/2016	At or near Cleveland Avenue and College Avenue, Santa Rosa	Claims she was rearended by a city employee
Alvarez, Teresa	\$20,000.00	10/11/2016	12/16/2016	Along the breezeway around the 7th street parking garage	Claims she and her dog were stung by yellowjackets
Hernandez, Sergio	TBD	9/20/2016	12/22/2016	Arnold Drive 82 Feet south of Simone Road, Unincorporated Sonoma, County of Sonoma	Claims he struck a garbage truck dumpster vehicle with no lights on

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NEW CLAIMS FILED IN THIRD & FOURTH QUARTER 2016 AND FIRST QUARTER 2017

Claimant Name	Claim Amount	Date of Incident	Date of Claim	Location	Description of Claim
Kidane, Alganesh	\$100,000.00	12/30/2013	5/16/2016	Pinecrest Dr. and Teak Court, S.R.	Claims she was hit by a car when walking on roadway. Claims inadequate street lighting
Davenport, John L	\$2000 or more	9/20/2016	12/13/2016	924 Grand Ave Santa Rosa, Ca	Claims property was destructed by police during search
Otoole, Mikeal, Paul	TBD		1/10/2017	Unknown	Claims he is being criminalized for being homeless, and it is a direct violation of his 8th amendment right
Carpenter, David	\$10,600.00	8/24/2016	1/8/2017	715 Tupper St.	Claims police damaged door, locks, etc. when breaking into home
Boll-Proffer, Justin	\$1,650.00	11/9/2015	1/13/2017	Highway 12 next to 7/11 headed East	Claims he was rearended by a police car
Leary, Sammy A	\$390.12	8/24/2016	1/5/2017	Across the street from Santa Rosa visiting center on 4th street	Claims she sprained left ankle, ad possibly tore a ligament in hand from bad asphalt
Patterson, Remedios	\$20,000.00	11/4/2016	2/1/2017	SR Transit Mall	Claims injury to right hip when bus accelerated while she was trying to exit the bus
Dabney, Courtney	\$8,537.70	8/5/2016	2/1/2017	Sidewalk on the west side of Mendocino Avenue near 2305 Mendocino Ave	Claims she tripped on uneven sidewalk
Greer, Jeremy Jr.	>\$10,000	8/13/2016	2/8/2017	2436 Basque Ct. Santa Rosa CA	Claims he suffered injury due to officers unlawful, unreasonable, and excessive use of force upon him
Wright, Alexis K	>\$10,000	8/13/2016	2/8/2017	2436 Basque Ct. Santa Rosa CA	Claims her son suffered injury due to officers unlawful, unreasonable, and excessive use of force upon him

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Claimant Name	Claim Amount	Date of Incident	Date of Claim	Location	Description of Claim
CBD Guild	\$60,000.00	7/21/2016	1/20/2017	2330 Circadian Way, Santa Rosa CA	Claims CO2 seized by SRPD officers during search warrant were destroyed while in possession or SRPD without court order
Lyles, Jr., Russell	\$100,000.00	8/26/2016	2/22/2017	9149 Windsor Rd., Windsor, CA	Claims unreasonable search and seizure, violation of civil rights
State Fund Subro/Patterson	2,236	11/4/2017	3/3/2017	SR Transit Mall	Claims injury to right hip when bus accelerated while she was trying to exit the bus
Hockert, Raquel	Unknown	2/14/2017	3/6/2017	In front of cook middle school	Claims vehicle was rear ended by SRPD
Gradov, Marilyn	Unknown	9/28/2016	2/28/2017	Across the street from 1876 Slater	Claims she fell and slipped in a hole and broke her back and has nerve pain