



DATE: April 30, 2019

TO: Mayor Schwedhelm and Members of the Council

FROM: Sue Gallagher, City Attorney

RE: Quarterly Report of Settlements and Active Litigation/Claims
for the First Quarter of 2019 (01/01/2019 to 03/31/2019)

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 first quarter of 2019 – None to Report.

Attached as **Exhibit B**, is a list of ongoing litigation not yet resolved as of April 24, 2019.

Attached as **Exhibit C**, is a list of new claims that have been referred to the City Attorney's Office from the Risk Department in the first quarter of 2019.

EXHIBIT A

SETTLEMENTS OVER \$50,000 FINALIZED IN FIRST QUARTER 2019

Case Name	Date Settled	Amount	Description	Notes

NONE TO REPORT

EXHIBIT B

LITIGATION AS OF APRIL 24, 2019

Full Case Name	Court/Case No.	Date Served	Amount Claimed	Category	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<i>United States, et al., ex rel. John Hendrix v. J-M Manufacturing Company, Inc., et al.</i>	ED CV06-0055-GW	N/A	TBD	Qui Tam	Federal qui tam action (and stayed state court action) filed against water pipe manufacturer for false claims	Active - Discovery and Phase 2 damages; trial date pending	
<i>State of California, ex rel. Onthegowireless LLC v. Cellco Partnership, et al.</i>	Sacramento Superior Court Case No. 34-2012-00127517	N/A - City is Plaintiff in Intervention	Unknown	Qui Tam	Qui Tam action for excess phone charges	Active - Discovery Ongoing; Trial set for 12/02/2019	Claims versus T-Mobile & Sprint being settled. Claims versus Verizon & ATT proceeding to Trial.
<i>Estate of Pablo Garcia Toribio; Pablo Garcia Santos, individually and as Sucessor in Interest to Pablo Garcia Toribio; Margarita Toribio Dominguez, an individual v. City of Santa Rosa; The Santa Rosa Police Department; The Chief of Police for the Santa Rosa Police Department, Hank Schreeder; Officer Nicholas Vlahandreas; Officer Jeffrey Badger; Officer Park McAllister and Does 1 through 50, inclusive</i>	C 18-2151 YGR	5/21/2018	TBD	Police Action (Wrongful Death)	First Amended Complaint for Wrongful Death; negligence; violation of civil rights	Motion for Summary Judgment entered in favor of defendants and against plaintiffs.	Judgment entered 04/04/2019

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<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	Police Action	Class Action Complaint for Damages for police vehicle impoundments	Active - Appellate Court recently affirmed trial court finding a Constitutional violation, but also affirming trial court denial of class certification. Parties now considering further appellate review	
<i>Robert Casey, an individual, v. City of Santa Rosa; and DOES 1-50, inclusive</i>	4:18-cv-07731 KAW	1/14/2019	TBD	Police Action	Complaint for damages;excessive force	Active - Pleadings	
<i>Meyer, Tessala Dakota v. City of Santa Rosa, Does 1-20</i>	SCV-263791	1/25/2019	TBD	Police Action	Alleges police officer hit her with motorcycle	Active - Discovery Ongoing	
<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	Personal Injury/Dangerous Condition	Complaint for Personal Injury - Motor Vehicle and Negligence (Garbage Truck and Motor Vehicle)	Active - Trial set for 5/10/2019 (CSR tender of defense accepted.)	
<i>Su Wolfard v. City of Santa Rosa; and DOES 1-25</i>	SCV-262044	3/5/2018	TBD	Personal Injury/Dangerous Condition	Personal Injury - Claims she fell in pothole and broke ankle & wrist	Active - Trial set for 09/06/2019 (CSR tender to WinterBlast insurer accepted. CSR has no monetary exposure.)	

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Full Case Name	Court/Case No.	Date Served	Amount Claimed	Category	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<i>Laure Ann Nicole Friedell v. Michael Quinto Spediacci III, and Does 1 through 20</i>	SCV-262164	5/7/2018	According to Proof	Personal Injury/Dangerous Condition	Personal Injury - Auto (hit by police car in parking lot)	Active - Trial set for 8/09/2019	
<i>Deirdre Solar v. City of Santa Rosa and Santa Rosa City Schools; Does 1-20</i>	SCV-262527	6/4/2018	TBD	Personal Injury/Dangerous Condition	Complaint for Personal Injury; General Negligence and Premises Liability	Active - Trial set for 11/1/2019	
<i>Gustavo Climaco v. Santa Rosa Police Department; City of Santa Rosa; Does 1-20, Inclusive</i>	SCV-262843	7/31/2018	TBD	Personal Injury/Dangerous Condition	Personal injury auto - claims police car hit his car	Dismissed	Dismissed 02/15/2019
<i>Bobby James Hubbard et al v. City of Santa Rosa, and DOES 1-25</i>		11/14/2018	TBD	Personal Injury	Compaint for damages; tripped and fell on public sidewalk causing injury; negligence.	Active - Discovery Ongoing; Trial set for 12/6/19	
<i>Adrian Madrigal, a minor, through his guardian ad litem, Karissa Milazo v. City of Santa Rosa and DOES 1 through 20</i> ----- Cross-Complaint: <i>City of Santa Rosa vs. Debi Wagner and "CYO Basketball"</i>	SCV-263628	12/17/2018	TBD	Personal Injury	Complaint for personal injury; General Negligence and Infliction of Emotional Distress; City filed Cross-Complaint vs. Wagner for indemnity	Active - Discovery	
<i>BoDean Company v. The City of Santa Rosa, The Santa Rosa City Council, Sean McGlynn in his capacity as City Manager, Michael J. Reynolds in his capacity as Code Enforcement Officer, David Guhin in his capacity as Assistant City Manager and David Gouin in his capacity as Director of Housing and Community Services</i>	SCV-262502	5/24/2018		Writ of Mandate	Writ of Mandate, Writ of Prohibition & Complaint	Active - Trial set for 5/24/2019	
<i>Timothy Aboudara, Jr, et al. on behalf of themselves and all similarly situated individuals v. City of Santa Rosa</i>	CV 17-01661 (HSG))	6/9/2017	TBD	Other	Complaint for Violations of the Fair Labor Standards Act	Active - Trial date vacated.	Tentative Settlement Reached; Awaiting Approval of Settlement by Court

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LITIGATION AS OF APRIL 24, 2019

Full Case Name	Court/Case No.	Date Served	Amount Claimed	Category	Type of Action/ Comments	STATUS	SETTLED OR DISMISSED DATE
<i>Deborah Drake, Samantha Jenkins, Nicholle Vannucci, Steven Robert Singleton, and Ellen Brown, individuals; and Homeless Action!, an unincorporated association v. County of Sonoma, Sonoma County Community Development Commission, City of Santa Rosa, and Does I to XX</i>	3:18-CV-01955-VC	4/2/2018	TBD	Other	Complaint for Declaratory Relief and Injunctive Relief (homeless encampments)	Active - Trial set for 2/19/2020	
<i>Jennifer Emery-Pippin, on behalf of Izola Pippin a minor v CSR, Santa Rosa City Schools and DOES 1 through 100, inclusive</i>	SCV-263801	3/1/2019	TBD	Other	Negligence	Dismissed for a waiver of costs	Dismissed 03/28/2019

EXHIBIT C

NEW CLAIMS REFERRED TO THE CITY ATTORNEY'S OFFICE IN FIRST QUARTER 2019

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
Carral, Ryan (Minor) and Chadwell, Kristi	1/8/2019	11/4/2018	over \$25,0000	Bayer Park	Minor claimant was at Bayer Park when a globe from one of the light poles fell and struck him in the head, causing physical injuries. Claimant mother witnessed the incident and alleges emotional distress.
Almanza, Juan	1/11/2019	7/13/2018	over \$7,000	786 Kawana Springs Road	Claimant alleges that he sustained injuries when he was arrested
Wood, Rebekah	1/14/2019	9/5/2018	over \$25,0000	Sonoma County Jail Parking Lot, 2777 Ventura Ave, Santa Rosa, CA 95403	Claimant tripped and fell causing injuries
Streicher, Mindy	1/16/2019	7/25/2018	over \$25,0000	Hwy 12, 220 feet east of Greene Street	Claimant suffered injuries during collision with police vehicle
Bruin, Albert	2/12/2019	8/13/2018	over \$3,000	Challenger Way and Capricorn Way, Santa Rosa, CA	Unlawful seizure of vehicle, loss of equipment inside vehicle, and due process violations,
Roope, Jonathan	3/20/2019	12/14/2018	over \$25,0000	Guerneville Rd near Ridley Ave (on sidewalk)	Foot hit a steel bracket protruding from sidewalk and fell causing injuries
Marlow, Megan	3/21/2019	11/7/2018	over \$25,0000	1079 4th St, Santa Rosa, CA	Claimant was crossing Hwy 12 in her handicap scooter, went up the sidewalk ramp, hit the curb, and fell causing injuries
Davies, Thomas; Putnam, Jill	4/1/2019	10/23/2018	over \$10,000	Intersection of Stony Pt. Road and Occidental Road	Claimants' daughter, Jennell Davies, was struck and killed crossing Stony Pt./Occidental Rd.