

SETTLEMENTS OVER \$50,000 FINALIZED IN SEPTEMBER 2022

Case Name	Date Settled	Amount	Description	Notes
<i>Jason H. Smith, Apogee Gardens, Inc. v. Kelly Aboudara, City of Santa Rosa Code Enforcement Officer, Mark Maystrovich, City of Santa Rosa Code Enforcement Officer, Does 1-50</i>	9/19/2022	\$50,010	Alleged violation of 4th, 5th and 14th Amendments to US Constitution	Settled two matters filed by Jason Smith and Apogee Gardens as part of a global settlement of \$95,000
<i>Apogee Gardens, Inc., and Jason Smith v. City of Santa Rosa, City of Santa Rosa Planning and Economic Development, and Santa Rosa Code Enforcement and DOES 1-10 inclusive</i>	9/19/2022	\$44,990	Complaint for injunctive, and declaratory relief, and for writ of mandate to compel production of public records	Settled two matters filed by Jason Smith and Apogee Gardens as part of a global settlement of \$95,000

LITIGATION AS OF SEPTEMBER 30, 2022

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
CODE ENFORCEMENT / RECEIVERSHIPS									
SCV-265933	<i>People/City v. Davis Properties, A General Partnership, American Savings Bank, Does 1-10</i>	Active - Discovery	Code Enforcement/Receivership	Complaint and Petition for injunctive Relief, Abatement of Nuisance, Appointment of Receiver and other equitable relief. Lead based paint throughout home caused lead poisoning in a child. Home has been abandoned since that time, with the exception of occasional transients.	Receiver has been appointed and plan for rehabilitation has been approved by the Court and County Environmental Services; Remediation work has been completed and the property has been listed for sale; Receiver brought forward a Motion to confirm sale of the property. The Receiver's Motion was granted as unopposed on 9/21/2022. A further Case Management Conference is set for 12/8/2022.	According to Proof			
SCV-268150	<i>People of the State of California, City of Santa Rosa v. David Alan Vicini, and DOES 1-10</i>	Judgment	Code Enforcement/Receivership	Complaint for injunctive and other relief (Drug Abatement Act)	On 9/21/2021, Court granted City's application to close Vicini's residential drug house and issued Judgment in favor of the City including \$48,478 in fees and penalties; the matter is now fully adjudicated and the City is focusing on clean up/sale of property; additional costs of cleanup and sale according to proof; Receivership proceedings underway in SCV-271361 to preserve safety of neighborhood.	According to Proof		9/21/2021	\$48,478.00
GENERAL LITIGATION									
SCV-269762	<i>Owners and Renters Rights Association v. City of Santa Rosa</i>	Active - Set for Trial	General Litigation	Alleging civil rights violation in relation to City Ordinance ORD-2021-011 (Short Term Rentals Ordinance)	Plaintiff's Application for Temporary Restraining Order denied on 12/2/2021; discovery has commenced and City's Motion to Compel further discovery responses is set for hearing on 10/19/2022; Trial set for 3/3/2023.	According to Proof			
SCV-265333	<i>Bay Cities Paving & Grading, Inc., a California corporation v. City of Santa Rosa, a body politic, and Does 1-50</i>	Active - Set for Trial	General Litigation – Breach of Contract	Allegation of Breach of Contract arising out of public works construction project	Preliminary discovery underway; possible mediation; Trial set for 3/3/2023; Absent mediated settlement, three to five week trial anticipated.	According to Proof			
3:18-CV-01955-VC	<i>Nicholle Vannucci, Ellen Brown, and Shannon Hall, 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>	Active - Set for Trial	General Litigation - Constitutional and ADA	Complaint for Declaratory Relief and Injunctive Relief (homeless encampments)	Jury trial has been set for 10/2/2023; the next Case Management Conference is set for 2/8/2023. The Court granted leave to the Plaintiffs to file a Second Amended Complaint and the City has filed its Answer.				
3:22-cv-04488 SI	<i>Robin Coser, Adan Alvarez, Forrest Jowler, John Graham v. City of Santa Rosa, John Cregan, Maraskeshia Smith, Megan Basinger, Chris Rogers, Officer Moore, does 1-10 inclusive</i>	Active - Pleadings	General Litigation - Constitutional and ADA	Complaint filed pursuant to 42 USC 1983 and ADA Title II with emergency application for temporary restraining order and preliminary injunction to prevent enforcement of parking and other laws at the Corporate Center Parkway Area	This case has been consolidated with the Bauer case. Further Settlement Conference is scheduled for 10/17/2022.				
3:22-cv-3907 DMR	<i>Jason H. Smith, Apogee Gardens, Inc. v. Kelly Aboudara, City of Santa Rosa Code Enforcement Officer, Mark Maystrovich, City of Santa Rosa Code Enforcement Officer, Does 1-50</i>	Settled	General Litigation - Constitutional and ADA	Alleged violation of 4th, 5th and 14th Amendments to US Constitution.	Complaint served on 7/14/2022; City's Answer filed 8/3/2022.; Settled on 9/16/2022 for \$50,010.	According to Proof		9/19/2022	\$50,010.00

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C22-04753 JSC	<i>Cynthia Bauer, George Solemnidad, Edward Garcia, Michael Fenton, George Jago, Michael Deegan, Linda Albright, Crystal Kramer v. City of Santa Rosa, John Cregan, Maraskeshia Smith, Megan Basinger, Chris Rogers, Officer Moore, DOES 1-10 inclusive</i>	Active - Pleadings	General Litigation - Constitutional and ADA	Complaint filed pursuant to 42 USC 1983 and ADA Title II with emergency application for temporary restraining order and preliminary injunction to prevent enforcement of parking and other laws at the Corporate Center Parkway Area	This case has been consolidated with the Coser case. Further Settlement Conference is scheduled for 10/17/2022.				
CV 22-4284 SK	<i>Denise McCloud, Brian Bara, Kristopher Anderson Francois, Mercedes Juanita Flores, Tim Rucker, Wilbert Ray Fields, John Clay v. County of Sonoma, County Administrator Sheryl Bratton, Sonoma County Regional Parks, Sonoma County Regional Park Director Bert Whitaker, City of Santa Rosa, City of Santa Rosa Manager Maraskeshia Smith, DOES 1-10</i>	Active - Pleadings	General Litigation - Constitutional and ADA	Complaint pursuant to 42 USC 1983 filed concurrently with emergency application for temporary restraining order and preliminary injunction to prevent encampment closure based upon notice issued by Sonoma County officials	The Plaintiffs indicated their intent to dismiss City Defendants from this lawsuit in the Joint Case Status Report, filed on 09/26/2022.				
SCV-264359	<i>Sonoma Citizens for Transparency in Government v City of Santa Rosa, County of Sonoma</i>	Settled	General Litigation – PRA	Plaintiff alleges that City wrongfully denied access to requested records under PRA.	Parties in discussion to conclude remaining issues so that case may be dismissed; Court Trial set for 2/9/2022 has been vacated and Case Management Conference continued to 11/15/2022; Settlement Agreement finalized on 8/30/2022; dismissal pending.	According to Proof		8/30/2022	\$12,031.50
SCV-271224	<i>STG Unocal Place v. City of Santa Rosa and DOES 1 to 10</i>	Active - Discovery	Property Damage	Plaintiff alleges property damage as a result of flooding caused by the negligence of CSR employees.	Plaintiff's Complaint was served on 08/11/2022; an Answer has been filed and discovery has commenced; Case Management Conference scheduled for 11/22/2022.	According to Proof			
ED CV06-0055-GW	<i>United States, et al., ex rel. John Hendrix v. J-M Manufacturing Company, Inc., et al.</i>	Stayed	General Litigation – Qui Tam	Federal qui tam action (and stayed state court action) filed against water pipe manufacturer for false claims	The Court denied exemplar plaintiff damages; final judgment expected soon and likely appeal to the Ninth Circuit on multiple issues; City's claims (as non-exemplar plaintiff) are currently stayed.	According to Proof			
SCV-264530	<i>David Pelayo, Roberto Hernandez, Edmond Andre, Bryan Munoz, and Brian Medeiros, each as an individual, and on behalf of the general public for all those similarly situated v Utility Partners of America, LLC, a Delaware corporation; City of Santa Rosa and DOES 1 through 250, inclusive.</i>	Active - Set for Trial	General Litigation – Wage Claim	Plaintiffs allege failure to pay prevailing wages and related compensation versus employer UPA for public works project; UPA alleges City is obligated to defend and indemnify UPA.	Mediation was unsuccessful; Court overruled UPA's demurrer to City's cross-complaint; Court denied UPA's Motion for Summary Judgment/Adjudications; Discovery is ongoing; trial has been continued to 2/17/2023.	According to Proof			
PERSONAL INJURY/DANGEROUS CONDITION									
SCV-263791	<i>Meyer, Tessala Dakota v. City of Santa Rosa, Does 1-20</i>	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges SRPD officer negligent in operation of motorcycle which crashed into occupied tent on Joe Rodota Trail	Fact and expert discovery has been deemed closed by the trial court; Trial continued to 3/10/2023.	According to Proof			
SCV-265050	<i>Megan Marlow and Christian Andersen, as successor-in-interest v City of Santa Rosa, Chelino's Restaurant, DOES 1-50</i>	Settled	Personal Injury/Dangerous Condition	Alleged Personal Injury; Wrongful Death	The case has resolved and the Settlement Agreement has been sent to Plaintiff for review (\$7,500 to Plaintiff); Notice of Settlement of Entire Case was filed by Plaintiff on 8/23/2022; dismissal pending.	According to Proof			

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SCV-269190	<i>Carlos Jaureque by and through his guardian ad litem Annemarie Montes v. City of Santa Rosa, County of Sonoma, Luke Tully Ferrigno, and DOES 1 through 10, inclusive</i>	Settled	Personal Injury/Dangerous Condition	Dangerous condition of public property and negligence	Ferrigno, a named co-defendant and party against whom the City filed a cross-complaint, settled with the plaintiff for \$25,000. The case against the City will be dismissed with prejudice as part of the global settlement agreement once all outstanding lien issues are resolved between Ferrigno and the plaintiff.	According to Proof			
SCV-269667	<i>Sabrina Jones, an individual, v. City of Santa Rosa, a public entity; Sonoma County, a public entity; California Highway Patrol, a public entity; John Doe, an individual; and DOES 1 to 50. inclusive</i>	Active - Pleadings	Personal Injury/Dangerous Condition	Plaintiff alleges she sustained injuries when her trailer was impacted by a Sonoma County Sheriff's Office patrol vehicle.	City has filed an Answer and will commence discovery; Cross-complaint has been filed for indemnity and contribution; Defendant State of California has not yet appeared in the case.	According to Proof			
SCV-269977	<i>Antonia Ibarra v. Charles Robinson; The City of Santa Rosa; and DOES 1-10</i>	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges they were injured during collision with City vehicle	City has filed an Answer; Initial Case Management Conference held on 5/31/2022; further discovery is underway; Trial set for 2/24/2023.	According to Proof			
SCV-270108	<i>Andrew Gilmore, Deven Gilmore v. City of Santa Rosa, Sonoma County and DOES 1-100, inclusive</i>	Active - Discovery	Personal Injury/Dangerous Condition	Claimants allege that due to dangerous conditions of overcrossing, claimant's motorcycle contacted debris, oil, fuel, and fluids left behind by City maintenance causing property damage and personal injuries.	City has filed an Answer to the Complaint; discovery is underway; Initial Case Management Conference set for 10/13/2022.	According to Proof			
SCV-270376	<i>Eve Goldberg v. City of Santa Rosa; Argonaut Constructors, Inc. and DOES 1 to 30</i>	Settled	Personal Injury/Dangerous Condition	Claimant alleges they tripped and fell due to protrusion in roadway	Argonaut, a named co-defendant and party against whom the City filed a cross-complaint, settled with the plaintiff for \$24,999. The case against the City will be dismissed with prejudice.	According to Proof		8/25/2022	\$0.00
SCV-270583	<i>Karen Isabel Myers v. City of Santa Rosa, Casey Costello, Jennifer Costello, and DOES 1 to 20</i>	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges they fell as a result of a dangerous condition on sidewalk	City has filed an Answer to the Complaint and a Cross-Complaint; further discovery is underway; Plaintiff's deposition scheduled for 10/28/2022; Trial set for 6/2/2023.	According to Proof			
SCV-270785	<i>Constance Brown v. City of Santa Rosa, and DOES 1 to 10, inclusive</i>	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges they tripped and fell over raised slab while walking on sidewalk	City has filed an Answer to the Complaint; discovery is underway; Trial set for 10/6/2023.	According to Proof			
SCV-270898	<i>Cindy Gemignani, as conservator of the Estate of Daryl W. Titus v. City of Santa Rosa, Jose Andrade and DOES 1-20 inclusive</i>	Active - Pleadings	Personal Injury/Dangerous Condition	Claimant alleges they suffered injuries when struck by a vehicle when an off duty SRPD officer instructed him to cross street	Complaint has been served and an Answer has been filed on behalf of CSR and the officer; a Notice of Petition to Release traffic collision report has been served on minor driver and anticipate plaintiff will serve additional parties upon receipt of the traffic collision report; Case Management Conference set for 1/31/2023.	According to Proof			
SCV-271238	<i>Cathleen Cisneros v. City of Santa Rosa, Linda Corwin, and DOES 1 to 10</i>	Active - Discovery	Personal Injury/Dangerous Condition	Claimant alleges they suffered injuries when they hit a low hanging tree branch hanging over sidewalk	City has filed an Answer and Cross-Complaint; discovery is commencing; Initial Case Management Conference is set for 12/1/2022.	According to Proof			

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POLICE ACTION									
3:19-cv-02450-VC	<i>Debra Giambastiani v City of Santa Rosa Santa Rosa Chief of Police Robert Schreeder, Santa Rosa Officer Timothy Gooler, Santa Rosa Officer Tyler Laron, Santa Rosa Officer Christopher Mahurin, Santa Rosa Officer Kenneth Ferrigno, Santa Rosa employees DOES 1-25, County of Sonoma, Sonoma County Sheriff Mark Essick, Sonoma County employees DOES 26-50, Jointly and Severally</i>	Stayed	Police Action	Alleged civil rights violation; malicious prosecution; false arrest and imprisonment; assault and battery; negligence; invasion of privacy; intentional infliction of emotional distress	Case stayed; Appellant entered a no contest plea in the criminal case, however, she intends to file an appeal.	According to Proof			
3:21-cv-06890	<i>Robert J. McNutt, an individual, Aldona Dement, an individual, v. City of Santa Rosa, a public entity, Rainer Navarro, in his official capacity as Chief of Police for the City of Santa Rosa, Estate of Marylou Armer, individually and in her capacity as a detective for the City of Santa Rosa</i>	Active - Pleadings	Police Action	Plaintiff McNutt and his wife Dement allege that he was wrongfully arrested for child molestation	The Court granted the City's Motion to Dismiss in part on 7/29/2022; the Court allowed Plaintiff until 9/19/2022 to file an Amended Complaint, which Plaintiff has failed to do.	According to Proof			
SCV-270820	<i>James Lindsey v. Santa Rosa Police Department and Officers Jason Jucutan, T. White, D. Schindler, B. Wright, J. Badger, George Berg</i>	Active - Pleadings	Police Action	Claimant alleges civil rights were violated during arrest.	City's Answer filed on 7/5/2022. Initial Case Management Conference is set for 1/17/2023.	According to Proof			
WRIT OF MANDATE									
SCV-266092	<i>James L. Duncan v Sonoma Marin Area Rail Transit District, City of Santa Rosa, County of Sonoma</i>	Stayed	Writ of Mandate	Writ of Mandate and Complaint for Declaratory and Injunctive Relief relating to proposed Jennings Ave Crossing of SMART rail line. City is a Real Party in Interest and not a Defendant.	Judgment was entered by the Court granting Defendant SMART District's Motion for Summary Judgment on 7/19/2022; Plaintiff has filed a Notice of Appeal on 08/04/202.				
SCV-268751	<i>Apogee Gardens, Inc., and Jason Smith v. City of Santa Rosa, City of Santa Rosa Planning and Economic Development, and Santa Rosa Code Enforcement and DOES 1-10 inclusive</i>	Settled	Writ of Mandate	Complaint for injunctive, and declaratory relief, and for writ of mandate to compel production of public records	City's Motion for Summary Judgment hearing was scheduled for 12/7/2022; Case settled 9/16/2022 for \$40,990.	According to Proof		9/19/2022	\$44,990.00
SVC-268752	<i>Western Manufactured Housing Communities Association and Rincon Valley dba Rincon Valley Mobilehome Park v. City of Santa Rosa; Department of Housing and Community of the City of Santa Rosa; Megan Basinger, in her official capacity as Interim Director of the Department of Community Services of the City of Santa Rosa; and DOES 1 through 20, inclusive</i>	Active - Set for Trial	Writ of Mandate	Complaint for declaratory and injunctive relief; Petition for Writ of Traditional Mandamus; regarding mobile home park rent control ordinance - application of State price gouging limitations	City filed an answer to Plaintiff's Amended Complaint on 8/31/2022; Trial set for 3/3/2023.	According to Proof			

NEW CLAIMS REFERRED TO THE CITY ATTORNEY'S OFFICE IN SEPTEMBER 2022

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
<i>Vandurden, David</i>	9/2/2022	3/5/2022	over \$25,000	Mission Blvd and Montgomery Dr	Claimant alleges improper maintenance of a traffic signal caused a third party to strike claimant resulting in bodily injuries.