

SETTLEMENTS OVER \$50,000 FINALIZED IN SEPTEMBER 2021

Case Name	Date Settled	Amount	Description	Notes
<i>Terracon Constructors, Inc., a California corporation v. City of Santa Rosa, a charter city; and DOES 1-50 fictitiously named parties</i>	9/28/2021	\$395,000.00	Allegation of Breach of Contract arising out of public works construction project	Pending final settlement agreement and dismissal pending.

LITIGATION AS OF OCTOBER 4, 2021

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
CODE ENFORCEMENT									
SCV-264904	<i>People/City v. Deborah J. O'Connor, as Trustee of the O'Connor Irrevocable Trust</i>	Active	Code Enforcement/ Receivership	Complaint and Petition for injunctive Relief, Abatement of Nuisance, Appointment of Receiver and other equitable relief	Receiver has been appointed and remains in place. Property sold on 6/9/2021. On 9/15/2021 Court held hearing on Attorneys' Fees. Following hearing, Court approved City's Motion for Attorney's Fees/Costs totaling \$12,857.25.	Unlimited			
MCV-252325	<i>People of the State of California, City of Santa Rosa v. The Testate and Interstate Successors of David L. Mosher and Rosemary Mosher, Deceased, and all persons Claiming by, through, or under such Decedents any Legal or Equitable Right, Title, Estate, Lien, Interest in Real Property Commonly Known as 3073 Lamberson Court, and DOES 1-25</i>	Active - Pleadings	Code Enforcement/Receivership	Complaint and Petition for injunctive Relief, Abatement of Nuisance, Appointment of Receiver and other equitable relief	Receiver has been appointed. Receiver has a contractor on site rehabilitating the Mosher property; 8/3/2021 Order of Court authorizing sale of property; Case Management Conference scheduled for 11/16/2021.				
SCV-265933	<i>People/City v. Davis Properties, A General Partnership, American Savings Bank, Does 1-10</i>	Active - Pleadings	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 is currently abandoned, 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 begun.				

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SCV-268150	<i>People of the State of California, City of Santa Rosa v. David Alan Vicini, and DOES 1-10</i>	Active - Pleadings	Code Enforcement/Receivership	Complaint for injunctive and other relief (Drug Abatement Act)	Request for Entry of Default filed on 5/26/2021; Case Management Conference held on 9/14/2021; Hearing re default held on 9/21/2021. On 9/21/21 Court granted City's application to close Vicini's residential drug house. City now working on clean up/sale of property.				
SCV-268254	<i>People of the State of California, City of Santa Rosa v. The Testate and Intestate Successors of Dorothy E. Brown, deceased, and all persons claiming by, through, or under, such decedent any right, title, estate, lien, or interest in real property commonly known as 4034 Lancaster Avenue, Santa Rosa, and DOES 1-10</i>	Active - Pleadings	Code Enforcement/Receivership	Complaint and petition for injunctive relief, abatement of nuisance, appointment of receiver and other equitable relief	CMC scheduled for 11/18/21.				
GENERAL LITIGATION									
3:21-cv-06179	<i>David C. Rosas v. City of Santa Rosa, et al</i>	Active	General Litigation – ADA	Complaint of disability discrimination in violation of ADA, California Unruh Act, Malicious Prosecution Rico Act, Second Amendment, Fourteenth Amendment					
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 - Discovery	General Litigation – Breach of Contract	Allegation of Breach of Contract arising out of public works construction project	Preliminary discovery underway; possible mediation; Case Management Conference scheduled for 10/28/2021.				
SCV-266987	<i>Terracon Constructors, Inc., a California corporation v. City of Santa Rosa, a charter city; and DOES 1-50 fictitiously named parties</i>	Settled	General Litigation – Breach of Contract	Allegation of Breach of Contract arising out of public works construction project	Mediation held 9/13/21 though JAMS; matter settled for \$395,000 on 9/28/2021; pending final settlement agreement and dismissal.	\$688,035.00		9/28/2021	\$395,000.00

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SCV-265711	<i>William P. Gallaher, an individual v City of Santa Rosa, City Council of the City of Santa Rosa, and DOES 1 through 25, inclusive</i>	Active	General Litigation – CEQA	Petition for Writ of Mandate – CEQA (challenge to the City’s All Electric Reach Code)	On 5/10/2021, the Superior Court entered judgment in favor of City, upholding the City's All Electric Reach Ordinance in full. On 6/21/2021, petitioner filed a notice of intent to appeal the decision to the Court of Appeal, First Appellate District. The record on appeal was filed, and appellant's opening brief is due 10/22/2021.				
SCV-267372	<i>Airport Business Center, a California limited partnership, and Blue Fox Partners, A California general partnership v. City of Santa Rosa, City Council of the City of Santa Rosa, and DOES 1 through 25, inclusive</i>	Active	General Litigation – CEQA	Petition for Writ of Mandate – CEQA (challenge to the City’s Downtown Station Area Specific Plan)	Stipulation extending time to prepare administrative record to 10/18/2021 was filed with the Court; Case Management Conference was held 9/9/2021, court ordered follow up CMC on 11/18/2021. Settlement pending.				
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>	Stayed	General Litigation - Constitutional and ADA	Complaint for Declaratory Relief and Injunctive Relief (homeless encampments)	Preliminary Injunction entered; litigation stayed from 8/12/2019 through 12/31/2021. Upcoming settlement conference before Magistrate Sallie Kim on 11/6/2021.				
20-CV364054	<i>Bonnie Kessner, et al. v. City of Santa Clara, et al. (City of Santa Rosa - Linda Johnson & Robert Reynoso)</i>	Active - Pleadings	General Litigation – Prop 218 – Water Rates	Complaint for damages and equitable relief: Petition for Writ of Mandate under Prop 218, challenging City's water rates	Discovery stayed pending court decision on demurrers regarding venue, joinder, and jurisdiction and other defenses. Demurrers on administrative exhaustion were denied after a hearing in May. Demurrers based on misjoinder were granted with leave to amend, and plaintiffs filed an amended complaint on 6/23/2021. A second phase of demurrers asserting issues including lack of standing, failure to pay under protest, and venue and joinder were filed on 7/23/2021, and a hearing will has been scheduled for 12/9/2021. After that hearing, Defendants may file demurrers on additional issues and motions to strike, and the court has not set a schedule for this third phase. A Case Management Conference is set for 1/20/2022.				

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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.	Early mediation was unsuccessful. Court overruled UPA's demurrer to City's cross-complaint. Discovery is ongoing. Trial is set for 1/28/2022.				
SCV-264359	<i>Sonoma Citizens for Transparency in Government v City of Santa Rosa, County of Sonoma</i>	Active - Pleadings	General Litigation - PRA	Plaintiff alleges that City wrongfully denied access to requested records under PRA.	Case Management Conference set for 11/9/21; Counsel have met and conferred, and plaintiff's counsel has indicated that City will be dismissed.				
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.	To be determined.			
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 (Motorcycle Accident)	Claimant alleges SRPD officer negligent in operation of motorcycle which crashed into homeless tent	Trial Set for 11/12/2021.	Accord. Proof			
SCV-265050	<i>Megan Marlow v City of Santa Rosa, Chelino's Restaurant, DOES 1-50</i>	Active - Set for Trial	Personal Injury/Dangerous Condition	Alleged Personal Injury; Wrongful Death	Set for trial on 11/05/2021. The parties may seek a continuance of the trial date due to plaintiff's recent wrongful death allegation. Expert depositions have been scheduled.	Exceeds \$25K			
SCV-265374	<i>Elizabeth Beck v County of Sonoma, et al</i>	Settled	Personal Injury/Dangerous Condition	Alleged trip and fall on a sidewalk	Settled. Plaintiff has executed a Release Agreement and is in the process of confirming whether there is a final lien amount from Medicare.	Exceeds \$25K		6/2/2021	\$4,000.00
SCV-266515	<i>John DeGroot v. City of Santa Rosa, and DOES 1 to 10, Inclusive</i>	Active - Discovery	Personal Injury/Dangerous Condition	Claimant alleges he tripped on a broken piece of the curb, causing him to stumble and fall. Plaintiff alleges injuries as a result of his fall.	Discovery has commenced. Cross-Complaint has been filed, against all owners of adjacent property. Once all cross-defendants have been served, discovery will commence.				
SCV-267799	<i>Lisa Brayson v. City of Santa Rosa; HIGHWAY 29 WINE AND BISTRO, INC. DEPARTRTMENT29, INC. and DOES 1 to 100</i>	Active - Discovery	Personal Injury/Dangerous Condition	Claimant alleges she tripped over an uneven sidewalk, causing injury to left arm.	Discovery underway; Cross-Complaint filed by City against codefendants.	Unknown			

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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>	Active	Personal Injury/Dangerous Condition	Dangerous condition of public property and negligence	Complaint recently filed; responsive pleading to be filed shortly.				
SCV-266721	<i>Lyzette Campos and Howard Hernandez v. City of Santa Rosa, Timothy Gooler, and DOES 1-20</i>	Settled	Personal injury/motor vehicle	Plaintiffs allege personal injuries caused by rear end collision between police patrol vehicle and plaintiffs' vehicle.	Matter settled on 9/24/2021; dismissal pending; Case Management Conference set for 11/9/2021.			9/24/2021	\$18,500.00
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 pending appeal of trial court ruling on motion to suppress in criminal case. Appeal is briefed, heard and pending disposition.	According to Proof			
3:21-cv-00892	<i>Ryland Stamey v. City of Santa Rosa, a municipal corporation, Sonoma County, a municipal corporation, and DOES 1-50, inclusive</i>	Settled	Police Action	Complaint for injuries and civil rights violations by police during protests	Case settled at mediation; City Council approved 8/3/2021; dismissal pending. Note : Settlement previously reported on 9/14/2021	To be determined.		8/5/2021	\$105,000.00
4:18-cv-07731-KAW	<i>Robert Casey, an individual, v. City of Santa Rosa; and DOES 1-50, inclusive</i>	Active - Set for Trial	Police Action	Plaintiff alleges violation of federal civil rights during arrest.	Trial set for 9/26/2022; The stay on discovery is lifted. Mandatory Settlement Conference scheduled for 12/2/2021.				
4:20-cv-01323	<i>Herman Tamrat v. The Santa Rosa Police Department; Robert L. Schreeder, Chief of Santa Rosa Police Department; Officer Erick Rhoades (#352); Officer Patrick Albin; sued in their individual and official capacities</i>	Active - Discovery	Police Action	Plaintiff alleges violation of federal civil rights during arrest.	Active - Discovery underway; A Motion for Summary Judgment was filed on 08/12/2021. Court will decide the motion without a hearing.				
WRIT OF MANDATE									
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>	Active - Pleadings	Writ of Mandate	Complaint for injunctive, and declaratory relief, and for writ of mandate to compel production of public records	Responsive pleading filed by City on 9/7/2021 per extension granted.				

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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 - Pleadings	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 has filed answer to complaint.				
SCV-266092	<i>James L. Duncan v Sonoma Marin Area Rail Transit District, City of Santa Rosa, County of Sonoma</i>	Active - Pleadings	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.	Case Management Conference scheduled for 11/4/2021.				

NEW CLAIMS REFERRED TO THE CITY ATTORNEY'S OFFICE IN SEPTEMBER 2021

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
Risse, Walter S.	9/28/2021	6/16/2021	over \$25,000	Parking lot adjacent to Bennett Valley driving range	Claimant alleges he tripped over a poorly placed car stop causing injuries.