

## SETTLEMENTS OVER \$50,000 FINALIZED IN FEBRUARY 2022

| Case Name | Date Settled | Amount | Description | Notes |
|-----------|--------------|--------|-------------|-------|
|           |              |        |             |       |

No settlements to report

**LITIGATION AS OF MARCH 8, 2022**

| Case Number                             | Full Case Name   | Status             | Category                      | Case Description  | Case Notes   | Amount Claimed     | Dismissed Date | Settled Date | Settlement Amount |
|---|--|--------------------|-------------------------------|---|--|--------------------|----------------|--------------|-------------------|
| <b>CODE ENFORCEMENT / RECEIVERSHIPS</b> |  |                    |                               |   |  |                    |                |              |                   |
| 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   | Case Management Conference scheduled for 3/10/2022.  | 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; Case Management Conference scheduled for 3/22/2022. City is requesting dismissal. | According to Proof |                | 9/21/2021    |                   |
| 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 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 begun.  | According to Proof |                |              |                   |
| 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   | The City's Petition to have a Receiver appointed was granted; City-recommended Receiver has a contractor on site rehabilitating the property; 8/3/2021 Order of Court authorizing sale of property; Case Management Conference scheduled for 4/19/2022; City has filed its Motion for Attorney's Fees/Costs.   | According to Proof |                |              |                   |

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| <b>GENERAL LITIGATION</b> |   |                    |   |  |  |                    |                |              |                   |
| SCV-269762                | <i>Owners and Renters Rights Association v. City of Santa Rosa</i>  | Active - Discovery | 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; Case Management Conference set for 4/27/2022; discovery has commenced.  | According to Proof |                |              |                   |
| 3:21-cv-06179             | <i>David C. Rosas v. City of Santa Rosa, et al</i>  | Active - Pleadings | General Litigation – ADA                    | Complaint of disability discrimination in violation of ADA, California Unruh Act, Malicious Prosecution Rico Act, Second Amendment, Fourteenth Amendment | Amended Complaint filed 2/25/2022; City's Motion to Dismiss will be timely filed; Initial Case Management Conference scheduled for 3/22/2022.  | According to Proof |                |              |                   |
| SCV-265333                | <i>Bay Cities Paving &amp; 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 3/3/2022.   | 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             | General Litigation - Constitutional and ADA | Complaint for Declaratory Relief and Injunctive Relief (homeless encampments)  | Preliminary Injunction entered; litigation was stayed from 8/12/2019 through 12/31/2021; further case management conference set for 4/27/2022.   |                    |                |              |                   |
| 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.   | 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 scheduled for 5/10/2022.              | According to Proof |                |              |                   |
| 20-CV364054               | <i>Bonnie Kessner, et al. v. City of Santa Clara, et al. (City of Santa Rosa - Linda Johnson &amp; 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                                  | CSR dismissed from Case on 2/14/2022   | According to Proof | 2/14/2022      |              |                   |
| 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 |                |              |                   |

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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; Court denied UPA's Motion for Summary Judgment/Adjudication; Discovery is ongoing; Trial is set for 5/27/2022.                         | According to Proof |                |              |                   |
| <b>PERSONAL INJURY/DANGEROUS CONDITION</b> |  |                        |                                       |  |  |                    |                |              |                   |
| 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 occupied tent on Joe Rodota Trail  | Trial Set for 5/20/2022.   | According to Proof |                |              |                   |
| SCV-269977                                 | <i>Antonia Ibarra v. Charles Robinson; The City of Santa Rosa; and DOES 1-10</i>   | Active - Pleadings     | Personal Injury/Dangerous Condition   | Claimant alleges they were injured during collision with City vehicle  | City preparing Answer to Plaintiff's Complaint; Initial Case Management Conference set for 5/31/2022.  | According to Proof |                |              |                   |
| SCV-269407                                 | <i>Linda Jennings, v. City of Santa Rosa, County of Sonoma and DOES 1 to 20</i>  | Active - Discovery     | Personal Injury/Dangerous Condition   | Claimant was hit by car and alleges defects in the roadway caused dangerous conditions resulting in bodily injuries  | City's Answer filed; County was served with a complaint and has filed an Answer; City has cross-complained against third-party driver and County; initial discovery is proceeding.   | According to Proof |                |              |                   |
| 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 - Set for Trial | Personal Injury/Dangerous Condition   | Dangerous condition of public property and negligence  | Written discovery underway; Set for jury trial for 8/26/2022.  | According to Proof |                |              |                   |
| SCV-268574                                 | <i>Matthew Owens v. City of Santa Rosa, DOES 1 to 10 all inclusive</i>   | Active - Pleadings     | Personal Injury/Dangerous Condition   | Claimant's bicycle tire got caught on lip of sidewalk causing him to fall and sustain several injuries   | Summons and Complaint were served on City on 12/21/2021 and since withdrawn; First Amended Complaint filed 02/04/2022.   | According to Proof |                |              |                   |
| SCV-267799                                 | <i>Lisa Brayson v. City of Santa Rosa; HIGHWAY 29 WINE AND BISTRO, INC. DEPARTMENT29, 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 co-defendants; Case management conference is set for 3/17/2022.  | According to Proof |                |              |                   |
| 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.                                      | Written discovery has commenced against Plaintiff; Cross-Complaint has been filed against all owners of adjacent property; Two of the three property owners have filed Answers to City's Cross-Complaint; third property owner has | According to Proof |                |              |                   |

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| SCV-265050             | <i>Megan Marlow and Christian Andersen, as successor-in-interest 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  | Discovery is complete; Trial was continued to 09/30/2022 at plaintiff's request and by stipulation.   | According to Proof |                |              |                   |
| <b>POLICE ACTION</b>   |   |                        |                                     |  |   |                    |                |              |                   |
| 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  | City's 2nd Motion to Dismiss for Failure to State a Claim has been filed and scheduled to be heard on 3/17/2022.  | According to Proof |                |              |                   |
| 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,</i>  | Stayed                 | Police Action                       | Alleged civil rights violation; malicious prosecution; false arrest and imprisonment; assault and battery; negligence; invasion of privacy; intentional infliction of                          | Case stayed; Appellant lost appeal of trial court ruling on motion to suppress in criminal case; Appellant's Petition to Transfer the appeal to the 1st District Court of Appeal was untimely and her                             | According to Proof |                |              |                   |
| 4:18-cv-07731 KAW      | <i>Robert Casey, an individual, v. City of Santa Rosa; and DOES 1-50, inclusive</i>   | Active                 | Police Action                       | Plaintiff alleges violation of federal civil rights during arrest.   | Conditional settlement reached at Settlement Conference on 12/02/2021; Settlement pending and dismissal to be filed within 90 days; Case Management Conference continued to 4/26/2022 pending dismissal.                          | According to Proof |                |              |                   |
| <b>WRIT OF MANDATE</b> |   |                        |                                     |  |   |                    |                |              |                   |
| SCV-269600             | <i>Roseland Action and Duane DeWitt v. City Council of the City of Santa Rosa and City of Santa Rosa</i>  | Active - Pleadings     | Writ of Mandate                     | Petition for Writ of Mandate (CEQA) challenging the City's adoption of the Initial Study/Mitigated Negative Declaration and approval of the Roseland Creek Community Park Master Plan.         | Petition for Writ of Mandate served on 11/8/2021; on 1/25/2022 council rescinded all project approvals and thereby rendered the lawsuit moot. Parties are negotiating agreement for dismissal and settlement of attorneys' fees . |                    |                |              |                   |
| 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</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 | Hearing on the pending motion for summary judgment has been continued to 4/6/2022; a case management conference is set for 3/17/2022.   | According to Proof |                |              |                   |
| 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 - Set for Trial | Writ of Mandate                     | Complaint for injunctive, and declaratory relief, and for writ of mandate to compel production of public records   | Discovery underway; Jury trial set for 05/27/2022.  | According to Proof |                |              |                   |

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| SCV-266092  | <i>James L. Duncan v Sonoma Marin Area Rail Transit District, City of Santa Rosa, County of Sonoma</i> | Active - Set for Trial | 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. | Discovery underway; Court Trial set for 7/8/2022. |                |                |              |                   |

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

| Claimant Name              | Date of Claim | Date of Incident | Claim Amount | Location   | Description of Claim  |
|----------------------------|---------------|------------------|--------------|--|---|
| <i>Myers, Karen Isabel</i> | 2/1/2022      | 12/4/2021        | TBD          | Sidewalk in front of 3044 Midway Drive, Santa Rosa | Claimant alleges they fell as a result of a dangerous condition on the sidewalk |