

SETTLEMENTS OVER \$50,000 FINALIZED IN JULY 2023

Case Name	Date Settled	Amount	Description	Notes
No settlements to report				

LITIGATION AS OF JULY 27, 2023

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
CODE ENFORCEMENT/RECEIVERSHIP									
SCV-273045	Testate and Intestate Successors of Norman Hartung, Deceased, and all Persons Claiming by, Through, or Under Such Decedent Any Right, Title, Estate, Lien or Interest in Real Property Known as 642 Benjamins Road, Santa Rosa, and Does	Active	Code Enforcement/Receivership	Receivership	5/24/2023; Judge indicated he would sign proposed order appointing receiver; Case Management Conference scheduled for 8/22/2023.	According to Proof			
GENERAL LITIGATION									
SCV-265333	Bay Cities Paving & Grading, Inc., a California corporation v. City of Santa Rosa, a body politic, and Does 1-50	Active - Set for Trial	General Litigation – Breach of Contract	Allegation of Breach of Contract arising out of public works construction project	Preliminary discovery underway; first session of mediation completed on 6/5/2023; Trial is scheduled for 3/22/2024.	According to Proof			
3:18-CV-01955-VC	and Homeless Action I, an unincorporated association v. County of Sonoma, Sonoma County Community Development Commission, City of Santa Rosa, and Does I to XX	Active - Set for Trial	General Litigation - Constitutional and ADA	Complaint for Declaratory Relief and Injunctive Relief (homeless encampments)	Second Amended Complaint, expanding the scope of the litigation and the City has filed its Answer; Discovery has commenced and is				
SCV-272177	Mark Kimmel v. Wyatt Irrigation Co, Phil Wyatt, Rita Wyatt, City of Santa Rosa, DOES 1 to 20	Active - Set for Trial	General Litigation - Property Damage	into drainage ditch along Yolanda Ave at entrance into Wyatt Irrigation Co.	Complaint was sustained; awaiting filing and service of a Second Amended Complaint consistent with the Court's Order.; initial Case	According to Proof			
ED CV06-0055-GW	United States, et al., ex rel. John Hendrix v. J-M Manufacturing Company, Inc., et al.	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	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.	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 involving all parties was unsuccessful; Court granted UPA's motion for summary judgment on equitable indemnity; Court overruled UPA's demurrer to City's cross-complaint for contractual indemnity, thereby leaving both UPA's and the City's claims for indemnity in place; Discovery is underway; Although global mediation has been unsuccessful, City and Plaintiffs have separately reached a tentative settlement, subject to Court approval; The settlement provides for payment of \$250,000 in exchange for full release of liability in the case. The Superior Court approved the settlement on 4/11/2023; The approval of the settlement was affirmed by the Court of Appeal on 6/14/2023; The City has no further liability in the matter, but may retain additional rights; Legal counsel is currently considering next steps. Trial has been continued to 1/19/2024.	According to Proof		6/14/2023	\$ 250,000.00
OTHER									
SCV-273655	People of the State of California, by and through Sue Gallagher, City Attorney for the City of Santa Rosa; and City Of Santa Rosa, V. Jorge Luis Calderon Caballero, Daniel Felix Nunez Serna, Roberto Carrillo, Emiliano Bautista Rodriguez, Manuel Andres Garfia, George Michael Patino Flores, Alexys Aguirre-Serrano, Joel Vasquez Cortez, Jersain Lezama Meza, Jesus Calderon Avalos, Neri Alberto Orea-Vasquez, Richard Murillo Robles, Rodrigo Lopez-Tapia, and Does 1-100	Active - Pleadings	Other	Complaint for Public Nuisance, Civil Conspiracy, Willful Misconduct, and Violation of Fish and Game Code§ 5650(a)(l).	Service of Complaint on all defendants is in process.	According to Proof			
SRPD #22-13377	Lori Knigge v. Superior Court of Sonoma County	Settled	Other	Notice of Motion and Non-Statutory Motion for Return of Property	Resolved following hearing by court order / partial stipulation.	N/A		7/24/2023	\$ -
PERSONAL INJURY									
SCV-269603	Leocha Metellus-McLemore v. City of Santa Rosa, DOES 1 to 25	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges they suffered physical and emotional pain during arrest.	Discovery in progress; Trial set for 06/21/2024.	According to proof			
SCV-269977	Antonia Ibarra v. Charles Robinson; The City of Santa Rosa; and DOES 1-10	Settled	Personal Injury/Dangerous Condition	Claimant alleges they were injured during collision with City vehicle	City has reached an unconditional settlement with Plaintiff for \$13,500 on 2/23/2023; pending finalization of written settlement agreement; Order to Show Cause set for 10/24/2023 for failure to dismiss after notice of settlement.	According to Proof			
SCV-270785	Constance Brown v. City of Santa Rosa, and DOES 1 to 10, inclusive	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges they tripped and fell over raised slab while walking on sidewalk	City mediated this case on 4/6/2023 and case did not settle; initial written discovery has been completed and Plaintiff's and Non-Expert depositions have been completed; Trial set for 10/6/2023;	According to Proof			

SCV-270898	Cindy Gemignani, as conservator of the Estate of Daryl W. Titus v. City of Santa Rosa, Jose Andrade and DOES 1-20 inclusive	Active - Pleadings	Personal Injury/Dangerous Condition	Claimant alleges they suffered injuries when struck by a vehicle when an off duty SRPD officer instructed them to cross street	Complaint has been served and an Answer has been filed on behalf of City of Santa Rosa and the officer; discovery has commenced; The matter has been set for further Case Management Conference on 9/26/2023; Co-defendant has failed to file a responsive pleading and is now subject to a default; Plaintiff's attorney has named co-defendant's uncle as a party, and is requesting a Stipulation allowing him to file a First Amended Complaint; Co-defendant's uncle has filed an Answer.	According to Proof			
SCV-271238	Cathleen Cisneros v. City of Santa Rosa, Linda Corwin, and DOES 1 to 10	Active - Set for Trial	Personal Injury/Dangerous Condition	Plaintiff alleges they suffered injuries when they hit a low hanging tree branch hanging over sidewalk	Plaintiff alleges they suffered injuries when they hit a low hanging tree branch hanging over sidewalk	Trial has been set for 2/23/2024. Plaintiff's Deposition set for 6/14/2023 is being rescheduled.	According to Proof		
SCV-271731	Paula Littleton v. City of Santa Rosa, Hanna Holdings LLC, and Does 1-10	Active - Set for Trial	Personal Injury/Dangerous Condition	Plaintiff alleges she tripped and fell over a cut-down street sweeping sign	Plaintiff alleges she tripped and fell over a cut-down street sweeping sign	City has filed an Answer and a cross-complaint against the adjacent property owner; discovery has commenced; plaintiff's deposition is on calendar; a jury trial is set for 8/2/2024.	According to Proof		
SCV-272128	Bruce Baxter v. City of Santa Rosa, Steven R. Savage, and DOES 1 to 100 inclusive	Active - Discovery	Personal Injury/Dangerous Condition	Plaintiff alleges they suffered injuries when they tripped and fell due to uneven sidewalk	Plaintiff alleges they suffered injuries when they tripped and fell due to uneven sidewalk	Answer has been filed and discovery has commenced; Plaintiff filed a First Amended Complaint naming a new property owner as a second defendant; prior defendant Savage will be dismissed; an Answer to the First Amended Complaint has been filed; Plaintiff's deposition has been scheduled.	According to Proof		
SCV-272148	Tomas Guerrero v. City of Santa Rosa, Santa Rosa Police Department, Jonathan Morgan, and Does 1-10	Active - Set for Trial	Personal Injury/Dangerous Condition	Alleges police officer failed to yield right of way and collided with plaintiff's vehicle	Alleges police officer failed to yield right of way and collided with plaintiff's vehicle	City filed its Answer on 2/15/2023; initial written discovery is underway; Trial has been set for 4/19/2024.	According to Proof		
SCV-272343	Kim Taylor v. City of Santa Rosa and Does 1-10	Active - Set for Trial	Personal Injury/Dangerous Condition	Plaintiff alleges they suffered injuries when they tripped and fell due to uneven sidewalk	Plaintiff alleges they suffered injuries when they tripped and fell due to uneven sidewalk	Complaint served on defendant City of Santa Rosa on 2/8/2023; the City filed its answer and ROE Cross-Complaint on 3/8/2023; initial written discovery is underway; Trial has been set for 5/17/2024.	According to Proof		
SCV-272486	Eveline Jones v. City of Santa Rosa; and DOES 1 to 50, inclusive	Active - Discovery	Personal Injury/Dangerous Condition	Plaintiff alleges they suffered injuries when they tripped and fell due to uneven sidewalk	Plaintiff alleges they suffered injuries when they tripped and fell due to uneven sidewalk	Complaint served on defendant City of Santa Rosa on 2/10/2023; The City has met and conferred with Plaintiff in advance of demurrer, Plaintiff filed a First Amended Complaint and City has answered; written discovery has commenced; a subsequent Case Management Conference and trial setting is scheduled for 10/17/2023.	According to Proof		
SCV-273290	Josefina Moreno v. City of Santa Rosa, Geovanni Rechy Corona, and Does 1 through 50, inclusive	Active - Discovery	Personal Injury/Dangerous Condition	Claimant alleges CityBus employee negligently operated their vehicle causing collision with claimant's, resulting in injuries.	Claimant alleges CityBus employee negligently operated their vehicle causing collision with claimant's, resulting in injuries.	Initial written discovery is underway; Initial Case Management Conference scheduled for 9/21/2023.	According to Proof		
POLICE ACTION									
3:19-cv-02450-VC	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	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	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 has filed an appeal; the matter remains stayed; the appeal has been heard and is currently under submission.	According to Proof		

3:23-cv-05270	ANGELINA LOPEZ, individually and as cosuccessor-in interest to Decedent JORDON PAS; E.L., individually and as co-successor-in interest to Decedent JORDON PAS; J.P., individually and as co-successor-in interest to Decedent JORDON PAS; NEYO ALVAREZ, individually and as co-successor-in interest to Decedent JORDON PAS; SESERINA ALVAREZ, individually and as co-successor-in interest to Decedent JORDON PAS; C.P., individually and as co-successor-in interest to Decedent JORDON PAS; D.P., individually and as co-successor-in interest to Decedent JORDON PAS, vs. CITY OF SANTA ROSA, municipal corporation; MATTHEW CROSBIE, individually and in his capacity as a Police Sergeant for the CITY OF SANTA ROSA; JONATHAN MORGAN, individually and in his official capacity as a Police Officer for the CITY OF SANTA ROSA; ROBERT MOORE, individually and in his official capacity as a Police Officer for the CITY OF SANTA ROSA; FRANK SEDENO, individually and in his official capacity as a Police Officer for the CITY OF SANTA ROSA; and DOES 1-50, inclusive	Active - Set for Trial	Police Action	Complaint alleges Violation of Civil Rights, Excessive Force, Wrongful Death, Negligence, Assault & Battery, Violation of California Civil Code §52.1, and Intentional Infliction of Emotional Distress	Complaint served on defendant City of Santa Rosa on 11/3/2022; Plaintiffs filed a First Amended Complaint in response to the City's 12(c) Motion; City filed its Answer to the operative pleading on 1/17/2023; discovery is underway; the settlement conference scheduled for 6/13/2023 proved unsuccessful; Trial scheduled for 8/19/2024.	According to Proof		
3:23-cv-02730-SK	Christine Jones Pro Se v. County of Sonoma, Sonoma County Public Defender's Office (Fabiola Manai in her official capacity), City of Santa Rosa, Santa Rosa Police Department (Sergeant Matthew North in his official capacity)	Active - Pleadings	Police Action	Claimant alleges obstruction of justice, denial of due process	Complaint was filed on 5/30/2023 by pro se plaintiff; City Defendants have filed a Motion to Dismiss and the hearing on that motion is set for 8/21/2023.	According to Proof		
SCV-270820	James Lindsey v. Santa Rosa Police Department and Officers Jason Jucutan, T. White, D. Schindler, B. Wright, J. Badger, George Berg	Dismissed	Police Action	Claimant alleges civil rights were violated during arrest.	Case Management Conference held on 5/9/2023 and Plaintiff failed to appear; Court set the matter for 7/11/2023 for an order to show cause why Plaintiff did not appear; Dismissal without prejudice filed on 7/21/2023 by Plaintiff.	According to Proof	7/21/2023	
SCV-272167	Christopher Vickery v. Luigi Valencia, George Pulis, Kaiser Foundation Health Plan, Inc., and DOES 1-50, inclusive	Active - Pleadings	Police Action	Alleged violation of civil rights	City filed a demurrer to Complaint based on plaintiff's failure to file a government tort claim; Plaintiff filed a dismissal without prejudice in response; on 5/17/2023, a hearing was held before Hon. Rene Chouteau and the dismissal was vacated; City re-filed its Demurrer to Complaint on 6/9/2023; plaintiff amended his Complaint; a responsive pleading is due 8/9/2023.	According to Proof		
WRIT OF MANDATE								
SCV-266092	James L. Duncan v Sonoma Marin Area Rail Transit District, City of Santa Rosa, County of Sonoma	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 filed a Notice of Appeal on 08/04/2022.; Appellate briefs have been filed by all sides, awaiting oral argument and Court decision.			
SCV-272714	Airport Business Center, a California limited partnership v. City of Santa Rosa; City Council of the City of Santa Rosa; and DOES 1 through 25, inclusive	Active - Pleadings	Writ of Mandate	Writ of Mandate and Complaint for Declaratory and Injunctive Relief relating to designation of a parking garage (Garage 5) as surplus property under Surplus Land Act.	Complaint served on defendant City of Santa Rosa and Santa Rosa City Council on 3/02/2023; request to prepare Administrative Record received on 3/29/2023; preparation of the Administrative Record is underway; answer will be filed 30 days after filing of the Administrative Record; Case Management Conference continued to 10/24/2023 to allow time to finalize the Administrative Record	According to Proof		
SVC-268752	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	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 Opposition to Plaintiff's Second Motion for Summary Judgment on 5/10/2023; Hearing on City's and Plaintiffs' Motions for Summary Judgment was heard on 5/24/2023 with City's motion granted and plaintiffs' motion denied in full; Trial set for 9/8/2023.	According to Proof		

NEW CLAIMS REFERRED TO THE CITY ATTORNEY'S OFFICE IN JULY 2023

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
<i>Moreno, Nancy</i>	7/6/2023	11/25/2022	to be determined	Santa Rosa Plaza, light signal across where Sears Dept store was once located	Claimant alleges they were a passenger in a vehicle that was rear-ended by a City Bus resulting in bodily injuries
<i>minor child - by his mother Margaret Amanda Pearson</i>	7/13/2023	1/19/2023	over \$25,000	Hoen Ave & Sierra Creek Lane, near Summerfield Road	Claimant alleges a dangerous condition in crosswalk resulted in claimant's son to be struck by motor vehicle
<i>Marchbanks, Earl</i>	7/18/2023	10/21/2022	over \$25,000	Maple and Santa Rosa Avenue	Claimant alleges he was instructed to move his vehicle due to a nearby fire. The following day the vehicle was towed due to expired registration