

## SETTLEMENTS OVER \$50,000 FINALIZED IN AUGUST 2021

Case Name	Date Settled	Amount	Description	Notes
<i>Ryland Stamey v. City of Santa Rosa, a municipal corporation, Sonoma County, a municipal corporation, and DOES 1-50, inclusive</i>	8/5/2021	\$105,000.00	Complaint for injuries and civil rights violations by police during protests	

## LITIGATION AS OF SEPTEMBER 7, 2021

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
<b>CODE ENFORCEMENT</b>									
SCV-264904	<i>People/City v. Deborah J. O'Connor, as Trustee of the O'Connor Irrevocable Trust</i>	Active	Code Enforcement/ Receivership	<i>Complaint and Petition for injunctive Relief, Abatement of Nuisance, Appointment of Receiver and other equitable relief</i>	<i>Receiver has been appointed. Litigation is ongoing; Case Management Conference scheduled for 8/17/2021 for status of sale (property sold on 6/9/2021) and 9/15/2021 Hearing on Attorneys' Fees.</i>	Unknown			
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	<i>Complaint and Petition for injunctive Relief, Abatement of Nuisance, Appointment of Receiver and other equitable relief</i>	<i>The City's Petition to have a Receiver appointed was granted. The City-recommended 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.</i>	Unknown			
SCV-265933	<i>People/City v. Davis Properties, A General Partnership, American Savings Bank, Does 1-10</i>	Active - Pleadings	Code Enforcement/Receivership	<i>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.</i>	<i>Receiver has been appointed and plan for rehabilitation has been approved by the Court and County Environmental Services. Remediation work has begun.</i>	Unknown			
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	<i>Complaint for injunctive and other relief (Drug Abatement Act)</i>	<i>Request for Entry of Default filed on 5/26/2021. Case Management Conference Scheduled for 9/14/2021; Hearing re Default set for 9/21/2021.</i>	Unknown			
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	<i>Complaint and petition for injunctive relief, abatement of nuisance, appointment of receiver and other equitable relief</i>	<i>Case Management Conference scheduled for 9/23/2021.</i>	Unknown			
<b>GENERAL LITIGATION</b>									
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)	<i>Allegation of Breach of Contract arising out of public works construction project</i>	<i>Preliminary discovery underway; possible mediation; Case Management Conference scheduled for 10/28/2021.</i>				
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>	Active - Set for Trial	General Litigation (Breach of Contract)	<i>Allegation of Breach of Contract arising out of public works construction project</i>	<i>Discovery has commenced; Trial set for 11/5/2021. Mediation is scheduled for 9/13/21 though JAMS.</i>	\$688,035.00			

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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)	<i>Petition for Writ of Mandate – CEQA (challenge to the City’s All Electric Reach Code)</i>	<i>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.</i>				
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)	<i>Petition for Writ of Mandate – CEQA (challenge to the City’s Downtown Station Area Specific Plan)</i>	<i>Stipulation extending time to prepare administrative record to 10/18/2021 was filed with the Court.</i>				
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 Claims)	<i>Complaint for Declaratory Relief and Injunctive Relief (homeless encampments)</i>	<i>Preliminary Injunction entered; litigation stayed from 8/12/2019 through 12/31/21. Upcoming settlement conference before Magistrate Sallie Kim not yet scheduled.</i>				
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)	<i>Complaint for damages and equitable relief; Petition for Writ of Mandate under Prop 218, challenging City's water rates</i>	<i>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.</i>				

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SCV-267391	County of Sonoma, a political subdivision of the State of California; Sonoma County Agricultural Preservation and Open Space District, a Public Agency; Sonoma County Water Agency, a public agency of the State of California; Sonoma County Community Development Commission, a public agency; City of Cloverdale, a municipal corporation; City of Healdsburg, a municipality organized under the laws of the State of California; Town of Windsor, a municipal corporation; and City of Santa Rosa, a municipal corporation v. Pacific Gas and Electric Company, a California Corporation; PG&E Corporation, a California Corporation; and DOES 1-100, Inclusive	Settled	General Litigation (Recovery of Fire Damages)	City as Plaintiff. Complaint for recovery of damages related to Kincade Fire	Matter settled on 5/26/2021 with \$938,331.06 net proceeds received by City of Santa Rosa; Settlement Previously Reported - Dismissal Pending.	To be determined.		5/26/2021	\$938,331.06
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.	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-266092	James L. Duncan v Sonoma Marin Area Rail Transit District, City of Santa Rosa, County of Sonoma	Active - Pleadings	General Litigation (Writ)	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.	This matter is set for a Motion for Severance of the 7th and 8th Cause of Action on 9/15/2021; Case Management Conference scheduled for 11/4/2021.				
SCV-264359	Sonoma Citizens for Transparency in Government v City of Santa Rosa, County of Sonoma	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	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.	To be determined			
SCV-268751	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	Active - Pleadings	General Litigation (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	General Litigation (Writ of Mandate)	<i>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</i>	<i>City has filed answer to complaint.</i>				
<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)	<i>Claimant alleges SRPD officer negligent in operation of motorcycle which crashed into homeless tent</i>	<i>Trial Set for 11/12/2021.</i>	<i>Accord. Proof</i>			
SCV-265050	<i>Megan Marlow v City of Santa Rosa, Chelino's Restaurant, DOES 1-50</i>	Active - Discovery	Personal Injury/Dangerous Condition	<i>Alleged Personal Injury; Wrongful Death</i>	<i>Discovery ongoing; plaintiff's deposition has been completed. The parties may seek a continuance of the trial date due to plaintiff's recent wrongful death allegation.</i>	<i>Exceeds \$25K</i>			
SCV-265374	<i>Elizabeth Beck v County of Sonoma, et al</i>	Settled	Personal Injury/Dangerous Condition	<i>Alleged trip and fall on a sidewalk</i>	<i>Settled. Plaintiff has executed a Release Agreement and is in the process of confirming whether there is a final lien amount from Medicare.</i>	<i>Exceeds \$25K</i>		<i>6/2/2021</i>	<i>\$4,000.00</i>
SCV-266515	<i>John DeGroot v. City of Santa Rosa, and DOES 1 to 10, Inclusive</i>	Active - Discovery	Personal Injury/Dangerous Condition	<i>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.</i>	<i>Discovery has commenced. Cross-Complaint has been filed, however the parties are in the process of confirming whether there is an additional property owner. Once all the parties have been added, we will proceed with plaintiff's deposition. Plaintiff has provided responses to written discovery.</i>				
SCV-267033	<i>Carolyn Teel v. State of California, CA Dept of Transportation, County of Sonoma, Sonoma County Animal Control, City of Santa Rosa, and DOES 1-20</i>	Dismissed	Personal Injury/Dangerous Condition	<i>Plaintiff alleges state, county and/or City maintained a dangerous condition of public property when two unrestrained dogs attacked her in the Highway 12 right-of-way, and/or that County and City breached a mandatory duty to prevent the attack.</i>	<i>The Complaint against the City of Santa Rosa was dismissed without prejudice on 8/9/2021.</i>		<i>8/9/2021</i>		
SCV-267799	<i>Lisa Brayson v. City of Santa Rosa; HIGHWAY 29 WINE AND BISTRO, INC. DEPARTTMENT29, INC. and DOES 1 to 100</i>	Active - Discovery	Personal Injury/Dangerous Condition	<i>Claimant alleges she tripped over an uneven sidewalk, causing injury to left arm.</i>	<i>Discovery underway; Cross-Complaint filed by City against codefendants.</i>	<i>Unknown</i>			

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SCV-266721	<i>Lyzette Campos and Howard Hernandez v. City of Santa Rosa, Timothy Gooler, and DOES 1-20</i>	Active - Set for Trial	Personal injury/motor vehicle	<i>Plaintiffs allege personal injuries caused by rear end collision between police patrol vehicle and plaintiffs' vehicle.</i>	<i>Discovery underway; Trial set for 11/5/2021.</i>				
<b>POLICE ACTION</b>									
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	<i>Alleged civil rights violation; malicious prosecution; false arrest and imprisonment; assault and battery; negligence; invasion of privacy; intentional infliction of emotional distress</i>	<i>Case stayed pending appeal of trial court ruling on motion to suppress in criminal case. Appeal is briefed, heard and pending disposition.</i>				
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	<i>Complaint for injuries and civil rights violations by police during protests</i>	<i>Case settled at mediation; City Council approved 8/3/21; case to be closed.</i>	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	<i>Plaintiff alleges violation of federal civil rights during arrest.</i>	<i>Trial set for 9/26/2022. The stay on discovery is lifted.</i>				
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 Albini; sued in their individual and official capacities</i>	Active - Discovery	Police Action	<i>Plaintiff alleges violation of federal civil rights during arrest.</i>	<i>Active - Discovery underway; A Motion for Summary Judgment was filed on 08/12/2021. Court will decide the motion without a hearing.</i>				

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

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
Mendoza, Karla, and Mendoza, Nathalia, and Macias, Elvia	8/6/2021	6/29/2019	TBD	SR12 E/B to US101, .45 miles east of Dutton Avenue	Claimants allege they were rearended by SRPD officer
STG Unocal Place, LLC	8/17/2021	8/5/2021	over \$25,000	3510 Unocal Place, entire interior of building	City connected a hose to claimant's building causing valves and connections to break resulting in flooding in all restrooms, common areas and tenant spaces on each floor
Dahl, Mary	8/23/2021	7/1/2018	over \$25,000	5110 Monte Verde Dr, Santa Rosa, CA 95409	Claimant alleges she is suffering medical issues due to high radiofrequency radiation emitting from cell tower on her property.