

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

Case Name	Date Settled	Amount	Description	Notes

No settlements to report

**LITIGATION AS OF APRIL 5, 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 August 18, 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 5/24/2022.	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>	Dismissed	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	City of Santa Rosa 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			
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-270376	<i>Eve Goldberg v. City of Santa Rosa; Argonaut Constructors, Inc. and DOES 1 to 30</i>	Active	Personal Injury/Dangerous Condition	Claimant alleges they tripped and fell due to protrusion in roadway					

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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-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	Personal Injury/Dangerous Condition	Plaintiff alleges she sustained injuries when her trailer was impacted by a Sonoma County Sheriff's Office patrol vehicle.	City will file an Answer and commence discovery; Cross-complaints to be considered.				
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	Plaintiff 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. Demurrer to First Amended Complaint filed on 3/14/2022.	According to Proof			
SCV-267799	<i>Lisa Brayson v. City of Santa Rosa; HIGHWAY 29 WINE AND BISTRO, INC. DEPARTMMENT29, 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 been dismissed without prejudice; Plaintiff's deposition to be noticed.	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>	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>									
SCV-270468	<i>Maynard P. Buskirk v. Clarisa Pieri (aka Cody Pieri), an individual; City of Santa Rosa, a public entity; Santa Rosa City Schools, a public entity; Santa Rosa Police Department, a public entity; and does 1 through 10, inclusive</i>	Active	Police Action	Claimant alleges false statements and conspiracy by and between SRPD and Santa Rosa City Schools caused financial disaster and mental anguish					

## LITIGATION AS OF APRIL 5, 2022

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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 was scheduled to be heard on 3/17/2022; Judge dropped the hearing from calendar and we are awaiting his ruling.	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, 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 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 criminal case is now proceeding; civil case has been continued to allow for resolution of the criminal matter.	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. Judge granted plaintiff until 4/15/2022 to file a dismissal.	According to Proof			
<b>WRIT OF MANDATE</b>									
SVC-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 filed a stipulation with the court for dismissal of case and settlement of attorneys' fees; Awaiting final court order				
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	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			
SVC-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; Plaintiff's counsel filed an ex parte application to continue the trial which has been approved and is now set for 11/4/2022.	According to Proof			

### LITIGATION AS OF APRIL 5, 2022

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
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 MARCH 2022

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
<i>Gemignani, Cindy for Daryl Titus</i>	3/7/2022	9/7/2021	TBD	Bennett Valley Road near Calvary Catholic Cemetery	Claimant alleges they were struck by a vehicle when an off duty SRPD officer instructed him to cross street
<i>Littleton, Paula</i>	3/2/2022	10/29/2021	TBD	2614 Hardis Lane, Santa Rosa	Claimant alleges they tripped and fell over a cut-down street sweeping sign
<i>Brown, Constance</i>	3/8/2022	1/25/2022	TBD	Directly across the street from 2827 Creekside Road, adjacent to the park	Claimant alleges they tripped and fell over raised slab while walking on sidewalk