

## SETTLEMENTS OVER \$50,000 FINALIZED IN MARCH 2024

Case Name	Date Settled	Amount	Description	Notes
<i>Bay Cities Paving &amp; Grading, Inc., a California corporation v. City of Santa Rosa, a body politic, and Does 1-50</i>	conditional settlement dated March 26, 2024.	City will pay Bay Cities \$2.75 million and the City's contract engineering firm, GHD, Inc will pay Bay Cities \$3.75 million.	Allegation of Breach of Contract arising out of public works construction project	The parties have reached a conditional settlement agreement following mediation. Under the terms of the agreement, the City agreed to pay Bay Cities \$2.75 million and GHD agreed to pay Bay Cities \$3.75 million in exchange for Bay Cities' dismissal of the case and the City's release of all claims against GHD. The settlement is conditioned on Council appropriating funds needed to pay the City's \$2.75 million portion of the settlement.

## NEW CLAIMS REFERRED TO THE CITY ATTORNEY'S OFFICE IN MARCH 2024

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
<i>Farber, Carole</i>	2/22/2024	2/13/2024	To be determined	1916 Viewpointe Circle, Santa Rosa	Claimant alleges home flooded when high pressure from main line caused a faucet handle to pop off inside the home; water ran into home for approx 2-3 hours
<i>Hartman, Clare</i>	2/21/2024	9/18/2023	To be determined	City of Santa Rosa	Claimant alleges wrongful termination <i>Amended Claim received on 4/3/2024</i>

LITIGATION AS OF APRIL 4, 2024

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
<b>CODE ENFORCEMENT/RECEIVERSHIP</b>									
SCV-273045	People of the State of California, City of Santa Rosa v. The 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 1-10	Active	Code Enforcement/Receivership	Receivership	Complaint filed 3/13/2023; Receiver appointed by Order of the Court on 6/17/2023; On 03/20/2024 Defendant's Peremptory Challenge was granted and the case was reassigned to Judge Broderick; Decedent's estate Motion to Set Aside the Receivership Petition is scheduled for 5/22/2024; Case Management Conference continued to 8/15/2024 for status of receiver.	According to Proof			
<b>GENERAL LITIGATION</b>									
SCV-265333	Bay Cities Paving & Grading, Inc., a California corporation v. City of Santa Rosa, a body politic, and Does 1-50	Settlement Pending	General Litigation – Breach of Contract	Allegation of Breach of Contract arising out of public works construction project	The parties have reached a conditional settlement agreement following mediation. Under the terms of the agreement, the City agreed to pay Bay Cities \$2.75 million and GHD agreed to pay Bay Cities \$3.75 million in exchange for Bay Cities' dismissal of the case and the City's release of all claims against GHD. The settlement is conditioned on Council appropriating funds necessary for the City to pay its \$2.75 million portion of the settlement.	According to Proof			
3:18-CV-01955-VC	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	Active - Set for Trial	General Litigation - Constitutional and ADA	Complaint for Declaratory Relief and Injunctive Relief (homeless encampments)	Discovery was underway when case was stayed on 1/19/2024 pending a decision by the United States Supreme Court in Grants Pass v. Johnson; Trial has been continued to 9/9/2024.				
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.	Settled	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 for City's claim against UPA is scheduled on 11/15/2024.	According to Proof		6/14/2023	\$ 250,000.00
<b>OTHER</b>									
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)(1).	Service of Complaint on all defendants is complete; defendants filed Answer on 10/30/2023; discovery is stayed pending mediation; mediation scheduled for 4/11/2024.	According to Proof			

LITIGATION AS OF APRIL 4, 2024

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
<b>PERSONAL INJURY/DANGEROUS CONDITION</b>									
23CV01342	THOMAS LESTER, an individual v. CITY OF SANTA ROSA, a public entity; and DOES 1 through 10, inclusive	Active - Pleadings	Personal Injury/Dangerous Condition	Plaintiff alleges they were injured when stepping into an uncovered manhole.	Plaintiff filed a Complaint against City on 11/1/2023; Plaintiff has agreed to dismiss City from the case.	According to Proof			
23CV01446	DAVID KILONZO v. CITY OF SANTA ROSA; DELIA SANCHEZ; AND DOES 1-10	Active - Set for Trial	Personal Injury/Dangerous Condition	Plaintiff alleges a City employee operating a City bus rear-ended his vehicle resulting in vehicle damages and bodily injury	The Complaint was filed on 11/11/2023; City's responsive pleading to First Amended Complaint was filed on 2/28/2024; discovery has commenced; Trial date set for 2/7/2025.				
23CV01723	ATTICUS PEARSON, a minor, by and through his Guardian Ad Litem MARGARET AMANDA PEARSON v. CITY OF SANTA ROSA, REYNALDO ZAMORA-RUIZ, JR., ROSALIE JULIANA LEHANE and DOES 1 through 25, inclusive (MINOR)	Active - Pleadings	Personal Injury/Dangerous Condition	Claimant alleges a dangerous condition in crosswalk resulted in claimant's son to be struck by motor vehicle	The City was served with the Complaint on 1/16/2024; before an Answer was filed, the plaintiff passed away; City awaits service of the Complaint for Wrongful Death.	According to Proof			
24CV00351	Integon National Insurance Company v. Cindy Gemignani, as conservator of the Estate of Daryl W. Titus; City of Santa Rosa: Jose Andrade; Ivan Medina; Alberto Vasquez Rojas; and Does 1-50	Active - Pleadings	Personal Injury/Dangerous Condition	Claimant alleges they have no duty to cover a loss caused by their insured, Ivan Medina.	Complaint for declaratory relief; City timely filed an Answer; City will initiate discovery once the pleadings are settled.	According to Proof			
24CV01061	DAVID O'CONNELL v. CITY OF SANTA ROSA; COUNTY OF SONOMA, WILLIAM PHILLIP RODGERS, JOHN RODGERS; DELIA MARIA SANCHEZ, and DOES 1 through 100, inclusive	Active - Pleadings	Personal Injury/Dangerous Condition	Claimant alleges injuries due to CityBus colliding with another vehicle		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 - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges they suffered injuries when struck by a vehicle after 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; deposition of plaintiffs and Titus to be continued to a new date; co-defendants insurance carrier has filed a complaint for declaratory relief; Trial continued to 03/25/2025.	According to Proof			
SCV-271238	Cathleen Cisneros v. City of Santa Rosa, Linda Corwin, and DOES 1 to 10	Settled	Personal Injury/Dangerous Condition	Plaintiff alleges they suffered injuries when they hit a low hanging tree branch hanging over sidewalk	Case resolved at mediation on 2/13/2024; global settlement of \$30,000 reached with \$5,000 contribution by City; Notice of Conditional Settlement filed with Court; settlement pending with dismissal to be filed by 6/30/2024.	According to Proof			
SCV-271462	Joyce Reynolds v. 4th Street Medical Building LLC, and DOES 1-100, inclusive	Active - Discovery	Personal Injury/Dangerous Condition	Claimant alleges trip and fall on a sidewalk resulted in bodily injuries	Cross-complainant property owner filed a cross-complaint against City on 9/20/2023; City filed Answer to Cross-Complaint and City's Cross-complaint against property owner for indemnity and contribution on 2/6/2024; discovery is underway.	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	City filed a cross-complaint against the adjacent property owner; Plaintiff dismissed the City on 3/6/2024.	According to Proof			
SCV-272128	Bruce Baxter v. City of Santa Rosa, Steven R. Savage, and DOES 1 to 100 inclusive	Settled	Personal Injury/Dangerous Condition	Plaintiff alleges they suffered injuries when they tripped and fell due to uneven sidewalk	Global settlement of \$175,000 with all defendants reached at mediation on 1/16/2024; City of Santa Rosa's share is \$87,500 for release of all claims; dismissals pending.	According to Proof		1/30/2024	\$ 87,500.00
SCV-272148	Tomas Guerrero v. City of Santa Rosa, Santa Rosa Police Department, Jonathan Morgan, and Does 1-10	Settlement Pending	Personal Injury/Dangerous Condition	Alleges police officer failed to yield right of way and collided with plaintiff's vehicle	Case has been resolved for \$125,000 on behalf of all City defendants; Notice of Conditional Settlement filed with court on 4/2/2024; execution of settlement documents is pending.	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	Complaint served on City on 02/08/2023; continued discovery underway; Plaintiff's deposition has been set for 4/25/24; Trial was continued on property owner defendant's motion to 10/11/24.	According to Proof			
SCV-272486	Eveline Jones v. City of Santa Rosa; and DOES 1 to 50, inclusive	Active - Set for Trial	Personal Injury/Dangerous Condition	Plaintiff alleges she suffered injuries when they tripped and fell due to uneven sidewalk	Complaint served on City 02/10/2023; continued discovery underway; Trial set for 11/08/2024.	According to Proof			
SCV-273290	Josefina Moreno v. City of Santa Rosa, Giovanni Rechy Corona, and Does 1 through 50, inclusive	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges City employee negligently operated their City operated bus causing collision with claimant's vehicle, resulting in injuries.	Complaint served on City on 6/2/2023; discovery underway; Trial set for 6/21/2024.	According to Proof			

LITIGATION AS OF APRIL 4, 2024

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
SCV-273625	DEDRIA BEAUCHAMP, as the Successor-in-Interest of the Estate of MARGARET LOUISE MICHAELS, deceased, DEDRIA BEAUCHAMP, an individual v. PROCTER & GAMBLE, a business entity, form unknown, MARVIN GARDENS SENIOR APARTMENTS, a business entity, form unknown, COUNTY OF SONOMA, a business entity, form unknown, CITY OF SANTA ROSA, a business entity, form unknown, STATE OF CALIFORNIA, a business entity, form unknown, and DOES 1 to 100, inclusive	Dismissed	Personal Injury/Dangerous Condition	Wrongful death; Survivorship Action; Professional Negligence due to power shutoff at Senior Facility	Complaint filed 7/3/2023; Plaintiff dismissed the case in its entirety on 3/25/2024.	According to Proof	3/25/2024		
SCV-273819	Adam Moeller v. City of Santa Rosa, Joseph Vizcarra, and Does 1-10	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges a City employee negligently operated a City bus causing collision with claimant's vehicle, resulting in injuries and property damage to Claimant.	Complaint served on 08/09/2023; the parties met and conferred concerning the pleadings and Plaintiff has filed an amended complaint.; Defendants have answered, and initial written discovery is underway; Trial has been set for 10/25/2024.	According to Proof			
<b>POLICE ACTION</b>									
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	Appellant entered a no contest plea in the criminal case, however, she has filed an appeal; the matter remains stayed; Appellant's post-conviction appeal was denied; Rule 12(b)(6) motion taken under submission.	According to Proof			
3:22-cv-05270	ANGELINA LOPEZ, individually and as co-successor-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 CROSSBIE, 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 11/04/2024, although both sides will be filing Rule 56 dispositive motions the first half of 2024.	According to Proof			
3:23-cv-02478-JSC	John Paul Johnson v. CITY OF SANTA ROSA, OFFICERS CODY SOUSA, O'NEILL, DELEON, JONES AND DOES 1-50	Active - Set for Trial	Police Action	Claimant alleges damages related to excessive force, battery, Bane Act Violation and Negligence.	Complaint served on the City 09/01/2023; City filed a Motion to Dismiss as to the second and third causes of action; Plaintiff filed a First Amended Complaint; City and those individual officers served have answered; Plaintiff's deposition has been noticed; Further CMC set for 4/18/24. Trial set for 01/06/2025.	According to Proof			

LITIGATION AS OF APRIL 4, 2024

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
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)	Judgment	Police Action	Claimant alleges obstruction of justice, denial of due process	Complaint was filed on 5/30/2023 by pro se plaintiff; City Defendants filed a Motion to Dismiss and hearing set for 8/21/2023; Judge vacated the hearing on motion; Motion to Dismiss case granted to City & County Defendants and Judgment entered on 3/30/2024.	According to Proof			
4:20-cv-01323	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	Appeal	Police Action	Plaintiff alleges violation of federal civil rights during arrest.	Federal district court granted the City's Motion for Summary Judgment and ordered the case dismissed with prejudice and closed on 01/21/2022; Plaintiff filed an Appeal which was dismissed by Order of the Appellate court for lack of prosecution on 02/16/2023; on 12/19/2023 the Appellate court granted Appellant Tamrat's Motion to Reinstate his appeal; opening brief is due 04/15/2024 with City's response due on 5/15/2024.	According to Proof	1/21/2022		
C 22-05196	James Earl Lindsey v. Santa Rosa Police Officer Jason Jucutan	Stayed	Police Action	Violation of civil rights; false arrest	Officer Jucutan's Answer to complaint filed on 11/10/2022; Motion for More Definitive Statement filed by Officer Jucutan on 12/15/2022; case is stayed pending resolution of the plaintiff's criminal case; Court ordered parties to file status report every 6 months and to notify court within 30 days of resolution of criminal charges; The underlying superior court criminal matter remains pending.	Unknown			
SCV-269603	Leocha Metellus-McLemore v. City of Santa Rosa, DOES 1 to 25	Dismissal Pending	Police Action	Claimant alleges she suffered physical and emotional pain during arrest.	Discovery in progress; Trial set for 07/19/2024; Plaintiff has agreed to dismiss case with waiver of costs; Dismissal pending with the Court.	According to proof			
<b>WRIT OF MANDATE</b>									
SCV-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 - 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	Trial has been dropped by Stipulation and Order. The parties have stipulated to address the sole remaining cause of action through dispositive motion by the City, filed on 2/15/2024. All briefing on City's Motion for Summary Judgment has been filed, and hearing remains set for 5/1/2024.	According to Proof			
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 - Set for Trial	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; ; City's Answer was filed on 1/22/2024; Plaintiff's opening brief was filed 2/21/24; City's opposition brief was filed 3/21/2024; Plaintiff's reply brief is due 4/21/2024; Hearing on Writ of Mandate set for 5/24/2024.	According to Proof			