

SETTLEMENTS OVER \$50,000 FINALIZED IN JANUARY 2022

Case Name	Date Settled	Amount	Description	Notes
<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>	1/4/2022	Non-monetary settlement	Petition for Writ of Mandate – CEQA (challenge to the City’s Downtown Station Area Specific Plan)	Parties entered into a Parking Agreement; Dismissal filed 1/4/2022.

LITIGATION AS OF FEBRUARY 7, 2022

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
CODE ENFORCEMENT / RECEIVERSHIPS									
SCV-264904	<i>People/City v. Deborah J. O'Connor, as Trustee of the O'Connor Irrevocable Trust</i>	Active	Code Enforcement/ Receivership	Complaint and Petition for injunctive Relief, Abatement of Nuisance, Appointment of Receiver and other equitable relief	Receiver has been appointed and remains in place; property sold on 6/9/2021; Court approved City's Motion for Attorney's Fees/Costs totaling \$12,857.25 and fees/costs have been received; pending Court discharge of Receiver; City's role in the matter completed; case pending dismissal.	According to Proof	Dismissal Pending		
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	Receiver has been appointed and contractor is on site rehabilitating the property; 8/3/2021 Court Order authorizes sale of property; Case Management Conference scheduled for 4/19/2022; City has filed its Motion for Attorney's Fees/Costs.	According to Proof			
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			
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 will be requested according to proof; Case Management Conference scheduled for 3/22/2022.	According to Proof		9/21/2021	
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			

GENERAL LITIGATION

LITIGATION AS OF FEBRUARY 7, 2022

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
SCV-269762	<i>Owners and Renters Rights Association v. City of Santa Rosa</i>	Active - Pleadings	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 to commence.	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	Hearing on Motion for More Definitive Statement/Motion to Dismiss to be set by court; Initial Case Management Conference scheduled for 3/22/2022.	According to Proof			
SCV-265333	<i>Bay Cities Paving & 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>	Stayed	General Litigation - Constitutional and ADA	Complaint for Declaratory Relief and Injunctive Relief (homeless encampments)	Preliminary Injunction entered; litigation stayed from 8/12/2019 through 12/31/2021; further settlement conference before Magistrate Sallie Kim on 2/15/2022.				
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 & 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	Demurrers regarding joinder, failure to pay under protest, and other defenses were sustained on 12/23/2021. Plaintiff's counsel subsequently offered to dismiss the action, without prejudice, in exchange for a waiver of costs. Orders for dismissal are currently pending approval by the court. A Case Management Conference set for January was continued to 02/18/2022.	According to Proof	Dismissal Pending		
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			

LITIGATION AS OF FEBRUARY 7, 2022

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
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; discovery is ongoing; Motion for Summary Judgment/Adjudication set for 2/16/2022; Trial is set for 5/27/2022.	According to Proof			
PERSONAL INJURY/DANGEROUS CONDITION									
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-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			
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 has retained new counsel.	According to Proof			
SCV-267799	<i>Lisa Brayson v. City of Santa Rosa; HIGHWAY 29 WINE AND BISTRO, INC. DEPATRTMENT29, 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-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; City awaiting service of First Amended Complaint.	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-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; initial discovery is proceeding.	According to Proof			

POLICE ACTION

LITIGATION AS OF FEBRUARY 7, 2022

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
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			
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	Complaint for injuries and civil rights violations by police during protests	Case settled at mediation; City Council approved 8/3/2021; dismissal pending. Note: Settlement previously reported on 9/14/2021.	According to Proof	Dismissal Pending	8/5/2021	\$105,000.00
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 Motion to Dismiss for Failure to State a Claim has been filed and scheduled to be heard on 3/3/2022.	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 4/5/2022 pending dismissal.	According to Proof	Dismissal Pending		
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	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.	According to Proof	Dismissed 1/21/2022		
WRIT OF MANDATE									
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.				
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>	Dismissed	Writ of Mandate	Petition for Writ of Mandate – CEQA (challenge to the City's Downtown Station Area Specific Plan)	Parties entered into a Parking Agreement; Dismissal filed 1/04/2022.		Dismissed 1/4/2022	1/4/2022	

LITIGATION AS OF FEBRUARY 7, 2022

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
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			
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; Case Management Conference scheduled for 4/21/2022; .Ctiy rescinded approvals of MND and Park Plan on 1/25/22, Plaintiffs' claim for attorneys fees under consideration.				
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	Briefing on Plaintiff's Motion for Summary Judgment or Adjudication will be completed by 2/11/2022; hearing on the motion has been set for 3/9/2022.				

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

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
<i>Malone, Dwayne</i>	12/2/2021 (claim received in December and inadvertently not included on 1/11/2022 report)	6/15/2021	Over \$25,000	Third Street Aleworks, 610 Third Street, Santa Rosa	Claimant alleges that they tripped and fell over a lifted slab on sidewalk
<i>Cisneros, Cathleen</i>	1/25/2022	7/28/2021	TBD	2100 Sebastopol Road	Claimant alleges that they suffered injuries when they hit a low hanging tree branch hanging over sidewalk