

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

Case Name	Date Settled	Amount	Description	Notes
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No Settlements to Report

**LITIGATION AS OF JULY 29, 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>									
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; Hearing on City's Motion for Attorney's Fees/Costs granted.	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 been completed and the property has been listed for sale; Receiver bringing forward a Motion to confirm sale of the property.	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 or 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; Receivership pending.	According to Proof		9/21/2021	\$48,478.00
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>	Dismissed	Code Enforcement/Receivership	Complaint and petition for injunctive relief, abatement of nuisance, appointment of receiver and other equitable relief	Dismissal without prejudice filed 7/8/2022	According to Proof	7/8/2022		
SCV-270140	<i>People of the State of California, City of Santa Rosa v. Paul and Annette Heidecker, The Bank of New York Mellon, FKA The Bank of New York, Does 1-10</i>	Active	Code Enforcement/Receivership	Complaint and petition for injunctive relief, abatement of nuisance, appointment of receiver and other equitable relief	Complaint and Petition have been served; Hearing on Appointment of Receiver rescheduled for 8/17/2022; Case Management Conference scheduled for 9/27/2022.				
<b>GENERAL LITIGATION</b>									
SCV-269762	<i>Owners and Renters Rights Association v. City of Santa Rosa</i>	Active - Set for Trial	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; discovery has commenced and City's Motion to Compel further discovery responses is pending hearing date; Trial set for 3/3/2023.	According to Proof			

**LITIGATION AS OF JULY 29, 2022**

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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 has been filed; Initial Case Management Conference scheduled for 10/4/2022.	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 - Set for Trial	General Litigation – Breach of Contract	Allegation of Breach of Contract arising out of public works construction project	Preliminary discovery underway; possible mediation; Trial set for 3/3/2023; Absent mediated settlement, three to five week trial anticipated.	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 1 to XX</i>	Active - Set for Trial	General Litigation - Constitutional and ADA	Complaint for Declaratory Relief and Injunctive Relief (homeless encampments)	Jury trial has been set for 10/2/2023; Plaintiffs have filed a Leave to Amend their Complaint; the City filed its Objection / Response to the proposed amendments on 6/24/2022 and the hearing on this motion is set for 8/18/2022; the next Case Management Conference is set for 2/8/2023.				
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 continued to 11/15/2022.	According to Proof			
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			
3:22-cv-3907 DMR	<i>Jason H. Smith, Apogee Gardens, Inc. v. Kelly Aboudara, City of Santa Rosa Code Enforcement Officer, Mark Maystrovich, City of Santa Rosa Code Enforcement Officer, Does 1-50</i>	Active	General Litigation - Constitutional and ADA	Alleged violation of 4th, 5th and 14th Amendments to US Constitution.	Complaint served on 7/14/2022; Answer to be filed 8/2/2022.	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/Adjudications; Discovery is ongoing; Mediation is scheduled for 8/31/2022; Trial is set for 11/4/2022.	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	Fact and expert discovery has been deemed closed by the trial court. Trial continued to 3/10/2023.	According to Proof			

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Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
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. A motion to bifurcate liability and damages is pending.	According to Proof			
SCV-266515	<i>John DeGroot v. City of Santa Rosa, and DOES 1 to 10, Inclusive</i>	Settled	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.	Parties have reached a settlement and an Unconditional Notice of Settlement of Entire Action has been filed with the Court; matter stayed pending dismissal.	According to Proof		7/12/2022	\$5,000.00
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	Awaiting final settlement paperwork. Plaintiffs have filed Notice of Settlement, which dismisses all claims against the City of Santa Rosa. Jury trial set for 8/26/2022 will be vacated.	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 - Pleadings	Personal Injury/Dangerous Condition	Plaintiff alleges she sustained injuries when her trailer was impacted by a Sonoma County Sheriff's Office patrol vehicle.	City has filed an Answer and will commence discovery; Cross-complaint has been filed for indemnity and contribution. Defendant State of California has not yet appeared in the case; Case Management Conference set for 8/25/2022.	According to Proof			
SCV-269977	<i>Antonia Ibarra v. Charles Robinson; The City of Santa Rosa; and DOES 1-10</i>	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges they were injured during collision with City vehicle	City has filed an Answer; Initial Case Management Conference held on 5/31/2022; Trial set for 2/24/2023.	According to Proof			
SCV-270108	<i>Andrew Gilmore, Deven Gilmore v. City of Santa Rosa, Sonoma County and DOES 1-100, inclusive</i>	Active	Personal Injury/Dangerous Condition	Claimants allege that due to dangerous conditions of overcrossing, claimant's motorcycle	City will file a timely responsive pleading and begin discovery.	According to Proof			
SCV-270376	<i>Eve Goldberg v. City of Santa Rosa; Argonaut Constructors, Inc. and DOES 1 to 30</i>	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges they tripped and fell due to protrusion in roadway	Discovery underway. Trial set for 4/21/2023.	According to Proof			
SCV-270583	<i>Karen Isabel Myers v. City of Santa Rosa, Casey Costello, Jennifer Costello, and DOES 1 to 20</i>	Active - Discovery	Personal Injury/Dangerous Condition	Claimant alleges they fell as a result of a dangerous condition on sidewalk	Discovery is underway; Initial case management conference scheduled for 8/11/2022.	According to Proof			
SCV-270785	<i>Constance Brown v. City of Santa Rosa, and DOES 1 to 10, inclusive</i>	Active	Personal Injury/Dangerous Condition	Claimant alleges they tripped and fell over raised slab while walking on sidewalk	City has filed an Answer to the Complaint. Initial Case Management Conference is set for 9/13/2022.	According to Proof			
<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	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 intends to file an appeal.	According to Proof			

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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	The Court granted the City's Motion to Dismiss in part on 7/29/2022; the Court has allowed Plaintiff 21 days to amend his Complaint in an effort to correct various errors raised by the City; Plaintiff's Amended Complaint is due by 8/19/2022.	According to Proof			
SCV-270468	<i>Maynard P. Buskirk v. Clarisa Pieri (aka Cody Pieri), an individual; City of Santa Rosa, a public entity; Rainer Navarro 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 him financial disaster and mental anguish.	Case Dismissed without prejudice against City of Santa Rosa and Santa Rosa Police Dept. on 7/27/2022.		7/27/2022		
SCV-270820	<i>James Lindsey v. Santa Rosa Police Department and Officers Jason Jucutan, T. White, D. Schindler, B. Wright, J. Badger, George Berg</i>		Police Action	Claimant alleges civil rights were violated during arrest.	City filed Answer on 07/5/2022.	According to Proof			
<b>WRIT OF MANDATE</b>									
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 9/9/2022. Case has been dismissed with an appeal to follow.				
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; Trial is set for 1/13/2023.; Summary Judgment motion filed. MSJ hearing scheduled for 12/7/2022.	According to Proof			
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 - 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	Trial set for 3/3/2023; Plaintiff has requested leave to file an amended complaint.	According to Proof			

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

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
<i>Jones, Eveline</i>	6/28/2022	1/4/2022	to be determined	Sidewalk in front of Finley Community Center, 2060 W. College Ave	Claimant alleges they suffered injuries when they tripped and fell due to uneven sidewalk
<i>Baxter, Bruce</i>	7/12/2022	2/22/2022	Over \$25,000	Sidewalk adjacent to 1002 McConnel Ave and King Street, Santa Rosa	Claimant alleges they suffered injuries when they tripped and fell due to uneven sidewalk
<i>Schneider Electric</i>	7/19/2022	9/30/2020	over \$25,000	4305 Llano Rd, Sebastopol, CA	Claimant seeks contribution from City in private wrongful death action arising out of fatal accident at water treatment plant
<i>Taylor, Kim</i>	7/29/2022	7/22/2022	over \$25,000	B Street & Third Street, Santa Rosa	Claimant alleges they suffered injuries when they tripped and fell due to uneven sidewalk