

SETTLEMENTS OVER \$50,000 FINALIZED IN NOVEMBER 2022

Case Name	Date Settled	Amount	Description	Notes

No Settlements to Report

LITIGATION AS OF DECEMBER 1, 2022

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
CODE ENFORCEMENT / RECEIVERSHIPS									
SCV-265933	<i>People/City v. Davis Properties, A General Partnership, American Savings Bank, Does 1-10</i>	Settled	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 sold; The Receiver is preparing a Final Accounting and Report, after which the matter will be concluded; A further Case Management Conference re: dismissal is set for 3/2/2023.	According to Proof			
GENERAL LITIGATION									
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 was continued and is set for hearing on 1/11/2023; Trial continued and now set for 11/3/2023.	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 - 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			
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 was continued and is set for hearing on 1/11/2023; Trial continued and now set for 11/3/2023.	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 - 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; Absent mediated settlement, three to five week trial anticipated; Case Management Conference set for 3/23/2023 for resetting date of jury trial.	According to Proof			
C22-04753 JSC	<i>Cynthia Bauer, George Solemnidad, Edward Garcia, Michael Fenton, George Jago, Michael Deegan, Linda Albright, Crystal Kramer v. City of Santa Rosa, John Cregan, Maraskeisha Smith, Megan Basinger, Chris Rogers, Officer Moore, DOES 1-10 inclusive</i>	Active - Pleadings	General Litigation - Constitutional and ADA	Complaint filed pursuant to 42 USC 1983 and ADA Title II with emergency application for temporary restraining order and preliminary injunction to prevent enforcement of parking and other laws at the Corporate Center Parkway Area	This case has been consolidated with the Coser case. A hearing has been set for 2/13/2023 on Plaintiffs' motion for a preliminary injunction.				
3:22-cv-04488 SI	<i>Robin Coser, Adan Alvarez, Forrest Jowler, John Graham v. City of Santa Rosa, John Cregan, Maraskeisha Smith, Megan Basinger, Chris Rogers, Officer Moore, does 1-10 inclusive</i>	Active - Pleadings	General Litigation - Constitutional and ADA	Complaint filed pursuant to 42 USC 1983 and ADA Title II with emergency application for temporary restraining order and preliminary injunction to prevent enforcement of parking and other laws at the Corporate Center Parkway Area	This case has been consolidated with the Bauer case. A hearing has been set for 2/13/2023 on Plaintiffs' motion for a preliminary injunction.				

LITIGATION AS OF DECEMBER 1, 2022

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
CV 22-4284 SK	<i>Denise McCloud, Brian Bara, Kristopher Anderson Francois, Mercedes Juanita Flores, Tim Rucker, Wilbert Ray Fields, John Clay v. County of Sonoma, County Administrator Sheryl Bratton, Sonoma County Regional Parks, Sonoma County Regional Park Director Bert Whitaker, City of Santa Rosa, City of Santa Rosa Manager Maraskeshia Smith, DOES 1-10</i>	Active - Pleadings	General Litigation - Constitutional and ADA	Complaint pursuant to 42 USC 1983 filed concurrently with emergency application for temporary restraining order and preliminary injunction to prevent encampment closure based upon notice issued by Sonoma County officials	The Plaintiffs indicated their intent to dismiss City Defendants from this lawsuit by 12/16/2022 per the Joint Case Status Report, filed on 11/11/2022.				
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 - 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; the next Case Management Conference is set for 2/8/2023; The Court granted leave to the Plaintiffs to file a Second Amended Complaint and the City has filed its Answer.				
SCV-271224	<i>STG Unocal Place v. City of Santa Rosa and DOES 1 to 10</i>	Active - Discovery	General Litigation - Property Damage	Plaintiff alleges property damage as a result of flooding caused by the negligence of CSR employees.	Plaintiff's Complaint was served on 08/11/2022; an Answer has been filed and discovery has commenced; Plaintiff failed to appear at the recent Case Management Conference; the Court continued the matter for an Order to Show Cause re: Dismissal scheduled for 1/10/2023.	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			
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.	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 has been unsuccessful; Trial has been continued to 2/17/2023.	According to Proof			
PERSONAL INJURY/DANGEROUS CONDITION									
SCV-271238	<i>Cathleen Cisneros v. City of Santa Rosa, Linda Corwin, and DOES 1 to 10</i>	Active - Discovery	Personal Injury/Dangerous Condition	Claimant alleges they suffered injuries when they hit a low hanging tree branch hanging over sidewalk	City has filed an Answer and Cross-Complaint; all parties have appeared and discovery has commenced; Initial Case Management Conference is set for 2/9/2023.	According to Proof			
SCV-270898	<i>Cindy Gemignani, as conservator of the Estate of Daryl W. Titus v. City of Santa Rosa, Jose Andrade and DOES 1-20 inclusive</i>	Active - Pleadings	Personal Injury/Dangerous Condition	Claimant alleges they suffered injuries when struck by a vehicle when an off duty SRPD officer instructed him to cross street	Complaint has been served and an Answer has been filed on behalf of City of Santa Rosa and the officer; a Notice of Petition to Release traffic collision report has been filed with the juvenile court; anticipate plaintiff will serve additional parties upon receipt of the traffic collision report. Case Management Conference set for 1/31/2023.	According to Proof			

LITIGATION AS OF DECEMBER 1, 2022

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
SCV-270785	<i>Constance Brown v. City of Santa Rosa, and DOES 1 to 10, inclusive</i>	Active - Set for Trial	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; discovery is underway; Plaintiff's deposition to be scheduled upon receipt and review of subpoenaed records; Trial set for 10/6/2023.	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 - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges they fell as a result of a dangerous condition on sidewalk	City has filed an Answer to the Complaint and a Cross-Complaint; further discovery is underway; Plaintiff's deposition was completed on 10/28/2022; Trial set for 6/2/2023; Mediation set for 1/3/2023.	According to Proof			
SCV-270108	<i>Andrew Gilmore, Deven Gilmore v. City of Santa Rosa, Sonoma County and DOES 1-100, inclusive</i>	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimants allege that due to dangerous conditions of overcrossing, claimant's motorcycle contacted debris, oil, fuel, and fluids left behind by City maintenance causing property damage and personal injuries.	City has filed an Answer to the Complaint; discovery is underway; motion to compel Plaintiff's discovery responses set for hearing on 3/1/2023; Trial set for 9/8/2023.	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; further discovery is pending completion; Trial set for 2/24/2023.	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 has commenced discovery; Cross-complaint has been filed for indemnity and contribution; Defendant State of California has not yet appeared in the case; City has served an offer to compromise for a waiver of costs.	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>	Settled	Personal Injury/Dangerous Condition	Dangerous condition of public property and negligence	Ferrigno, a named co-defendant and party against whom the City filed a cross-complaint, settled with the plaintiff for \$25,000. The case against the City will be dismissed with prejudice as part of the global settlement agreement once all outstanding lien issues are resolved between Ferrigno and the plaintiff.	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>	Settled	Personal Injury/Dangerous Condition	Alleged Personal Injury; Wrongful Death	The case has resolved and the Settlement Agreement has been sent to Plaintiff for review (\$7,500 to Plaintiff); Notice of Settlement of Entire Case was filed by Plaintiff on 8/23/2022; Dismissed with prejudice on 11/07/2022.	According to Proof	11/7/2022		\$7,500.00

LITIGATION AS OF DECEMBER 1, 2022

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
SCV-263791	<i>Meyer, Tessala Dakota v. City of Santa Rosa, Does 1-20</i>	Active - Set for Trial	Personal Injury/Dangerous Condition	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			
POLICE ACTION									
3:22-cv-05270	<i>ANGELINA LOPEZ, individually and as cosuccessor-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; SESEERINA 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 CROSBIE, 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,</i>	Active - Pleadings	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; responsive pleading due on 11/28/2022.. The City's 12(c) motion on the pleadings has been filed and is set for hearing on 1/19/2023.	According to Proof			
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>	Active - Pleadings	Police Action	Claimant alleges civil rights were violated during arrest.	City's Answer filed on 7/5/2022. Initial Case Management Conference is set for 1/17/2023.	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 entered a no contest plea in the criminal case, however, she intends to file an appeal; the matter remains stayed.	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 entered a no contest plea in the criminal case, however, she intends to file an appeal; the matter remains stayed.	According to Proof			

LITIGATION AS OF DECEMBER 1, 2022

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
WRIT OF MANDATE									
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	City filed an answer to Plaintiff's Amended Complaint on 8/31/2022; Motion for Summary Judgment filed and hearing set for 3/15/2023; Trial set for 3/3/2023.				
SCV-266092	<i>James L. Duncan v Sonoma Marin Area Rail Transit District, City of Santa Rosa, County of Sonoma</i>	Stayed	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.	Judgment was entered by the Court granting Defendant SMART District's Motion for Summary Judgment on 7/19/2022; Plaintiff filed a Notice of Appeal on 08/04/2022.				

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

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
---------------	---------------	------------------	--------------	----------	----------------------

No claims received in November