

## SETTLEMENTS OVER \$50,000 FINALIZED IN OCTOBER 2023

Case Name	Date Settled	Amount	Description	Notes
<i>Constance Brown v. City of Santa Rosa, and DOES 1 to 10, inclusive</i>	9/28/2023 dismissed on 10/31/2023	\$100,000	Claimant alleges they tripped and fell over raised slab while walking on sidewalk	Case was resolved at second mediation on 09/28/2023; Settlement Agreement and Release has been fully executed, and a dismissal with prejudice was filed on 10/31/2023.

**NEW CLAIMS REFERRED TO THE CITY ATTORNEY'S OFFICE IN OCTOBER 2023**

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
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**No claims received**

LITIGATION AS OF OCTOBER 30, 2023

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; Case Management Conference scheduled for 4/16/2024 for status of receiver.	According to Proof			
<b>GENERAL LITIGATION</b>									
3:23-cv-05201-WHO	William Cressy, Francisco Yanez, Nathan Delgado, Christine Van Skike, Fabiola Serrano-Guterriez, Edward Ballard, Sabrina Lee Gulgry-Spurgeon v. California Department of Transportation, et al, Tony Tavarez, County of Sonoma, Maria Christina Rivera, City of Santa Rosa, Maraskeshia Smith	Active - Pleadings	General Litigation – Constitutional and ADA	Ex Parte Application for TRO, Complaint for Declaratory Relief and Injunctive Relief (homeless encampments)	Complaint filed on 10/12/2023; Ex Parte Application for TRO denied. Answer or responsive pleading due in December 2023.	According to Proof			
SCV-265333	Bay Cities Paving & Grading, Inc., a California corporation v. City of Santa Rosa, a body politic, and Does 1-50	Active - Set for Trial	General Litigation – Breach of Contract	Allegation of Breach of Contract arising out of public works construction project	Preliminary discovery underway; first session of mediation completed on 6/5/2023; Trial is scheduled for 3/22/2024.	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)	The Court granted leave to the Plaintiffs to file a Second Amended Complaint, expanding the scope of the litigation and the City has filed its Answer; Discovery has commenced and is ongoing; the City's defense is now being handled by attorney Ray Fullerton; the next CMC is scheduled for 1/19/2024; 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 has been continued to 1/19/2024.	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 to commence.	According to Proof			

## LITIGATION AS OF OCTOBER 30, 2023

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
SCV-269603	Leocha Metellus-McLemore v. City of Santa Rosa, DOES 1 to 25	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges they suffered physical and emotional pain during arrest.	Discovery in progress; Trial set for 06/21/2024.	According to proof			
SCV-270785	Constance Brown v. City of Santa Rosa, and DOES 1 to 10, inclusive	Settled	Personal Injury/Dangerous Condition	Claimant alleges they tripped and fell over raised slab while walking on sidewalk	Case was resolved at second mediation on 09/28/2023; Settlement Agreement and Release has been fully executed, and a dismissal with prejudice was filed on 10/31/2023.	According to Proof	10/31/2023	9/28/2023	\$ 100,000.00
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; The matter has been set for further Case Management Conference on 9/26/2023; Co-defendant has failed to file a responsive pleading and is now subject to a default; Plaintiff's attorney has named co-defendant's uncle as a party, and is requesting a Stipulation allowing him to file a First Amended Complaint; Co-defendant's uncle has filed an Answer; deposition of Titus set for 11/30/2023; Trial set for 11/1/2024.	According to Proof			
SCV-271238	Cathleen Cisneros v. City of Santa Rosa, Linda Corwin, and DOES 1 to 10	Active - Set for Trial	Personal Injury/Dangerous Condition	Plaintiff alleges they suffered injuries when they hit a low hanging tree branch hanging over sidewalk	City has filed an Answer and a Cross-Complaint against the adjacent property owner; all parties have appeared and discovery has commenced; Plaintiff's deposition completed on 09/08/2023. Trial has been set for 02/23/2024.	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 has filed an Answer and a cross-complaint against the adjacent property owner; discovery has commenced; plaintiff's deposition has been completed; a jury trial is set for 8/2/2024.	According to Proof			
SCV-272128	Bruce Baxter v. City of Santa Rosa, Steven R. Savage, and DOES 1 to 100 inclusive	Active - Discovery	Personal Injury/Dangerous Condition	Plaintiff alleges they suffered injuries when they tripped and fell due to uneven sidewalk	Answer has been filed and discovery has commenced; Plaintiff filed a First Amended Complaint naming a new property owner as a second defendant; prior defendant Savage will be dismissed; an Answer to the First Amended Complaint has been filed; Plaintiff's deposition has been completed.	According to Proof			
SCV-272148	Tomas Guerrero v. City of Santa Rosa, Santa Rosa Police Department, Jonathan Morgan, and Does 1-10	Active - Set for Trial	Personal Injury/Dangerous Condition	Alleges police officer failed to yield right of way and collided with plaintiff's vehicle	City filed its Answer on 02/15/2023; initial written discovery is underway; Trial has been set for 4/19/2024.	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 defendant City of Santa Rosa on 02/08/2023; the City filed its answer and ROE Cross-Complaint on 03/08/2023; initial written discovery is underway; Trial has been set for 05/17/2024. Cross-Defendant property owner has since been named by ROE amendment, and has been served with the summons and complaint. Its responsive pleading is pending.	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 they suffered injuries when they tripped and fell due to uneven sidewalk	Complaint served on defendant City of Santa Rosa on 02/10/2023; Plaintiff filed a First Amended Complaint and City has answered; written discovery has commenced; 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 CityBus employee negligently operated their vehicle causing collision with claimant's vehicle, resulting in injuries.	Initial written discovery is underway; Initial Case Management Conference held on 09/21/2023; Trial set for 6/21/2024.	According to Proof			

LITIGATION AS OF OCTOBER 30, 2023

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	Active - Pleadings	Personal Injury/Dangerous Condition			Complaint file 7/3/2023; Plaintiff to file a First Amended Complaint, removing reference to punitive damages; City will file a responsive pleading after receipt of First Amended Complaint.	According to Proof		
SCV-273819	Adam Moeller v. City of Santa Rosa, Joseph Vizcarra, and Does 1-10	Active - Pleadings	Personal Injury/Dangerous Condition	Claimant alleges CityBus employee negligently operated their vehicle 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' answer is pending; an initial Case Management Conference scheduled for 01/18/2024.	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	Case stayed; 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.	According to Proof			
3:22-cv-05270	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; 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.	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 has answered, but the individually named defendants have not yet been served. Further CMC set for 02/15/2024. Trial set for 01/06/2025.	According to Proof			
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)	Active - Pleadings	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.	According to Proof			

LITIGATION AS OF OCTOBER 30, 2023

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
SCV-272167	Christopher Vickery v. Luigi Valencia, George Pulis, Kaiser Foundation Health Plan, Inc., and DOES 1-50, inclusive	Dismissed	Police Action	Alleged violation of civil rights	City Attorney's Office filed a demurrer to Complaint based on plaintiff's failure to file a government tort claim; Plaintiff filed a dismissal without prejudice on 2/14/23; on 5/17/2023, a hearing was held before Hon. Rene Chouteau and the dismissal was vacated; City Attorney's Office re-filed its Demurrer to Complaint on 6/9/2023; Plaintiff amended his Complaint and a Demurrer to FAC was been filed; Case Management Conference scheduled for 11/14/2023; Plaintiff dismissed Defendant Valencia on 10/30/2023, with prejudice.	According to Proof	10/30/2023		
C 22-05196	James Earl Lindsey v. Santa Rosa Police Officer Jason Jucutan	Active	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; Court's Order Granting Defendant's Motion to Stay on 01/25/2023; 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.	Unknown			
<b>WRIT OF MANDATE</b>									
SCV-266092	James L. Duncan v Sonoma Marin Area Rail Transit District, City of Santa Rosa, County of Sonoma	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; Appellate briefs have been filed by all sides, awaiting oral argument and Court decision.				
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; Case Management Conference continued to 3/28/2024.	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 - Pleadings	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; request to prepare Administrative Record received on 3/29/2023; preparation of the Administrative Record is underway; answer will be filed 30 days after filing of the Administrative Record; Case Management Conference continued to 11/21/2023 to allow time to finalize the Administrative Record.	According to Proof			