

## SETTLEMENTS OVER \$50,000 FINALIZED IN THE SECOND QUARTER OF 2021

Case Name	Date Settled	Amount	Description	Notes
<i>County of Sonoma, a political subdivision of the State of California; Sonoma County Agricultural Preservation and Open Space District, a Public Agency; Sonoma County Water Agency, a public agency of the State of California; Sonoma County Community Development Commission, a public agency; City of Cloverdale, a municipal corporation; City of Healdsburg, a municipality organized under the laws of the State of California; Town of Windsor, a municipal corporation; and City of Santa Rosa, a municipal corporation v. Pacific Gas and Electric Company, a California Corporation; PG&amp;E Corporation, a California Corporation; and DOES 1-100, Inclusive</i>	5/26/2021	\$938,331.06 payable to City	City as Plaintiff; Complaint for recovery of damages related to Kincade Fire	Matter settled on 5/26/2021 with \$938,331.06 net proceeds received by City of Santa Rosa; Dismissal Pending

## LITIGATION AS OF JULY 1, 2021

Court/Case No.	Full Case Name	Date Served	Amount Claimed	Category	Type of Action/ Comments	Status	Case Notes	SETTLED OR DISMISSED DATE
<b>CODE ENFORCEMENT</b>								
SCV-264904	<i>People/City v. Deborah J. O'Connor, as Trustee of the O'Connor Irrevocable Trust</i>	8/5/2019	Unlimited	Code Enforcement/ Receivership	Complaint and Petition for injunctive Relief, Abatement of Nuisance, Appointment of Receiver and other equitable relief	Active - Pleadings	Receiver has been appointed. Litigation is ongoing; Case Management Conference scheduled for 8/17/2021	
SCV-265933	<i>People/City v. Davis Properties, A General Partnership, American Savings Bank, Does 1-10</i>	1/29/2020	To be determined	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.	Active - Pleadings	Receiver has been appointed and plan for rehabilitation has been approved by the Court and County Environmental Services.	
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>	2/19/2020	To be determined	Code Enforcement/Receivership	Complaint and Petition for injunctive Relief, Abatement of Nuisance, Appointment of Receiver and other equitable relief	Active - Pleadings	Receiver has been appointed. Receiver has a contractor on site rehabilitating the property; Case Management Conference scheduled for 07/20/2021 for status of property's rehabilitation	
SCV-268150	<i>People of the State of California, City of Santa Rosa v. David Alan Vicini, and DOES 1-10</i>	4/15/2021	To be determined	Code Enforcement/Receivership	Complaint for injunctive and other relief (Drug Abatement Act)	Active - Pleadings	Request for Entry of Default filed on 5/26/2021. Case Management Conference Scheduled for 9/14/2021.	
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>	n/a	To be determined	Code Enforcement/Receivership	Complaint and petition for injunctive relief, abatement of nuisance, appointment of receiver and other equitable relief	Active - Pleadings	Case Management Conference scheduled for 9/23/2021	
<b>GENERAL LITIGATION</b>								
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>	10/15/2019		General Litigation (Breach of Contract)	Allegation of Breach of Contract arising out of public works construction project	Active - Discovery	Preliminary discovery underway; possible mediation	
SCV-266987	<i>Terracon Constructors, Inc., a California corporation v. City of Santa Rosa, a charter city; and DOES 1-50 fictitiously named parties</i>	9/8/2020	\$688,035.00	General Litigation (Breach of Contract)	Allegation of Breach of Contract arising out of public works construction project	Active - Set for Trial	Discovery has commenced; Trial set for 11/5/2021	

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SCV-265711	<i>William P. Gallaher, an individual v City of Santa Rosa, City Council of the City of Santa Rosa, and DOES 1 through 25, inclusive</i>	12/23/2019	To be determined	General Litigation (CEQA)	Petition for Writ of Mandate – CEQA (challenge to the City’s All Electric Reach Code)	Active -- Appeal filed	On May 10, 2021, the Superior Court entered judgment in favor of City, upholding the City's All Electric Reach Ordinance in full. On June 21, petitioner filed a notice of intent to appeal the decision to the Court of Appeal, First Appellate District.	
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>	11/17/2020	To be determined	General Litigation (CEQA)	Petition for Writ of Mandate – CEQA (challenge to the City’s Downtown Station Area Specific Plan)	Active - Pleadings	Stipulation extending time to prepare administrative record filed on 5/4/2021; Case Management Conference Set for 9/9/2021	
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>	4/2/2018	To be determined	General Litigation (Constitutional and ADA Claims)	Complaint for Declaratory Relief and Injunctive Relief (homeless encampments)	Stayed	Preliminary Injunction entered; litigation stayed from 8/12/2019 through 12/31/21	
20-CV364054	<i>Bonnie Kessner, et al. v. City of Santa Clara, et al. (City of Santa Rosa - Linda Johnson &amp; Robert Reynoso)</i>	3/4/2020	To be determined	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	Active - Pleadings	Discovery stayed pending court decision on demurrers regarding venue, joinder, and jurisdiction and other defenses. Demurrers on administrative exhaustion were denied after a hearing in May. Demurrers based on misjoinder were granted with leave to amend, and plaintiffs filed an amended complaint on June 23, 2021. A second phase of demurrers asserting issues including lack of standing, failure to pay under protest, and venue and joinder must be filed by July 23, 2021, and a hearing will be held on the demurrers in approximately three months. After that, Defendants may file demurrers on additional issues and motions to strike, and the court has not set a schedule for this third phase.	

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SCV-267391	<i>County of Sonoma, a political subdivision of the State of California; Sonoma County Agricultural Preservation and Open Space District, a Public Agency; Sonoma County Water Agency, a public agency of the State of California; Sonoma County Community Development Commission, a public agency; City of Cloverdale, a municipal corporation; City of Healdsburg, a municipality organized under the laws of the State of California; Town of Windsor, a municipal corporation; and City of Santa Rosa, a municipal corporation v. Pacific Gas and Electric Company, a California Corporation; PG&amp;E Corporation, a California Corporation; and DOES 1-100, Inclusive</i>		To be determined	General Litigation (Recovery of Fire Damages)	City as Plaintiff. Complaint for recovery of damages related to Kincade Fire	Settled	Matter settled on 5/26/2021 with \$938,331.06 net proceeds received by City of Santa Rosa; Dismissal Pending	Settled 5/26/2021
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>	6/5/2019	To be determined	General Litigation (Wage Claim)	Plaintiffs' allege that City contractor (UPA) failed to pay prevailing wages and related compensation in connection with public works project (installation of smart water meters); UPA cross-claimed, alleging City is obligated to defend and indemnify UPA	Active - Set for Trial	Early mediation was unsuccessful. Superior Court granted UPA's Motion for Summary Judgment versus City on issues of defense and indemnification. The Court of Appeal denied City's writ seeking to reverse Superior Court's grant of summary judgment. Discovery is ongoing; Trial set for 01/28/2022	
SCV-264359	<i>Sonoma Citizens for Transparency in Government v City of Santa Rosa, County of Sonoma</i>	2/24/2020	To be determined	General Litigation (PRA)	Plaintiff alleges that City wrongfully denied access to requested records under PRA.	Active - Pleadings	Case Management Conference set for 11/9/21.	
SCV-266092	<i>James L. Duncan v Sonoma Marin Area Rail Transit District, City of Santa Rosa, County of Sonoma</i>	3/2/2020	To be determined	General Litigation (Writ)	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.	Active - Pleadings	This matter is set for an Order to Show Cause re dismissal hearing on August 2, 2021	
ED CV06-0055-GW	<i>United States, et al., ex rel. John Hendrix v. J-M Manufacturing Company, Inc., et al.</i>		To be determined	General Litigation (Qui Tam)	Federal qui tam action (and stayed state court action) filed against water pipe manufacturer for false claims	Stayed	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	
<b>PERSONAL INJURY/DANGEROUS CONDITION</b>								
SCV-263791	<i>Meyer, Tessala Dakota v. City of Santa Rosa, Does 1-20</i>	1/25/2019	According to Proof	Personal Injury (Motorcycle Accident)	Claimant alleges SRPD officer negligent in operation of motorcycle which crashed into homeless tent	Active - Set for Trial	Set for trial 11/12/2021	

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SCV-264473	<i>Jonathan Roope v City of Santa Rosa, and DOES 1 through 50</i>	6/10/2019	Exceeds \$25K	Personal Injury/Dangerous Condition	Personal Injury -- Allegation that plaintiff tripped on a steel flange protruding from sidewalk, causing plaintiff to fall and fracture his wrist.	Active - Set for Trial	To date, settlement discussions have been unsuccessful; Trial set for 7/23/2021	
SCV-265374	<i>Elizabeth Beck v County of Sonoma, et al</i>	10/21/2019	Exceeds \$25K	Personal Injury/Dangerous Condition	Alleged trip and fall on a sidewalk	Settled	Plaintiff has executed a Release Agreement and is in the process of confirming whether there is a final lien amount from Medicare. Settlement amount is \$4,000	Settled 6/2/2021
SCV-265050	<i>Megan Marlow v City of Santa Rosa, Chelino's Restaurant, DOES 1-50</i>	11/18/2019	Exceeds \$25K	Personal Injury/Dangerous Condition	Alleged Personal Injury	Active - Discovery	Discovery ongoing; Depositions being set.	
SCV-267033	<i>Carolyn Teel v. State of California, CA Dept of Transportation, County of Sonoma, Sonoma County Animal Control, City of Santa Rosa, and DOES 1-20</i>	9/14/2020	To be determined	Personal Injury/Dangerous Condition	Plaintiff alleges state, county and/or City maintained a dangerous condition of public property when two unrestrained dogs attacked her in the Highway 12 right-of-way, and/or that County and City breached a mandatory duty to prevent the attack.	Active - Discovery	Discovery underway; Case Management Conference set for 7/13/2021	
SCV-267799	<i>Lisa Brayson v. City of Santa Rosa; HIGHWAY 29 WINE AND BISTRO, INC. DEPARTTMENT29, INC. and DOES 1 to 100</i>	3/24/2021	To be determined	Personal Injury/Dangerous Condition	Claimant alleges she tripped over an uneven sidewalk, causing injury to left arm.	Active - Discovery	Discovery; Cross-Complaint filed by City against codefendants	
SCV-266515	<i>John DeGroot v. City of Santa Rosa, and DOES 1 to 10, Inclusive</i>	3/24/2021	To be determined	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.	Active - Discovery	Discovery has commenced. Cross-Complaint to be filed upon determination of identity of adjacent business owner.	
SCV-266721	<i>Lyzette Campos and Howard Hernandez v. City of Santa Rosa, Timothy Gooler, and DOES 1-20</i>	7/21/2020	To be determined	Personal injury/motor vehicle	Plaintiffs allege personal injuries caused by rear end collision between police patrol vehicle and plaintiffs' vehicle.	Active - Set for Trial	Discovery underway; Trial set for 11/5/2021	
<b>POLICE ACTION</b>								
4:18-cv-07731 KAW	<i>Robert Casey, an individual, v. City of Santa Rosa; and DOES 1-50, inclusive</i>	1/14/2019	To be determined	Police Action	Plaintiff alleges violation of federal civil rights during arrest.	Stayed	Counsel has filed a Suggestion of Party's Death. An amended complaint may be filed.	
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>	6/17/2019	According to Proof	Police Action	Alleged civil rights violation; malicious prosecution; false arrest and imprisonment; assault and battery; negligence; invasion of privacy; intentional infliction of emotional distress	Stayed	Case stayed pending appeal of trial court ruling on motion to suppress in criminal case. Appeal is briefed and pending disposition by Court of Appeal.	

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3:20-cv-04135	<i>Marqus Martinez and Michaela Staggs, on behalf of themselves and other similarly situated individuals, v. City of Santa Rosa and Rainer "Ray" Navarro</i>	6/23/2020	To be determined	Police Action	Plaintiffs allege injuries by police during protests in late May and early June, 2020	Settled	Settled with all plaintiffs jointly for \$1.9 Million; Court has issued conditional dismissal; plaintiffs' counsel in discussions to create structured settlement	Settled 4/27/2021; Dismissed 5/27/2021
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>	2/4/2021	To be determined	Police Action	Complaint for injuries and civil rights violations by police during protests	Active - Discovery	Mediation scheduled for 7/13/2021	
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 Albin; sued in their individual and official capacities</i>	4/19/2021	To be determined	Police Action	Plaintiff alleges violation of federal civil rights during arrest.	Active - Discovery	Active - Discovery. Court sets an August 18, 2021 deadline for filing of a dispositive motion.	

## NEW CLAIMS REFERRED TO THE CITY ATTORNEY'S OFFICE IN APRIL - JUNE 2021

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
Jennings, Linda	4/2/2021	10/22/2020	over \$25,000	4300 Barnes Road, Santa Rosa	Claimant was hit by car and alleges defects in the roadway caused dangerous conditions resulting in bodily injuries
Jones, Sabrina	4/12/2021	11/12/2020	over \$25,000	Near Santa Rosa Ave and Mountrain View, Santa Rosa, CA	Claimant alleges she sustained injuries when her trailer was impacted by a Sonoma County police vehicle
Romano, Branko	5/4/2021	12/4/2020	over \$25,000	Sidewalk on west side of Santa Rosa Ave, 75ft south of Bellevue Ave	Claimant alleges he fell through a broken sidewalk utility cover causing injuries
Discher, Bruce Lawrence Wm	5/28/2021	12/5/2020	To be determined	Auto Zone Parking Lot, Stony Point & Sebastopol Roads	Claimant alleges he was injured when Police shot him with tear gas/pepper spray and rubber bullets while being detained