

SETTLEMENTS OVER \$50,000 FINALIZED IN JUNE-JULY 2021

Case Name	Date Settled	Amount	Description	Notes

No Settlements over \$50,000
not previously reported

LITIGATION AS OF AUGUST 6, 2021

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
CODE ENFORCEMENT									
SCV-264904	<i>People/City v. Deborah J. O'Connor, as Trustee of the O'Connor Irrevocable Trust</i>	Active - Pleadings	Code Enforcement/ Receivership	<i>Complaint and Petition for injunctive Relief, Abatement of Nuisance, Appointment of Receiver and General Litigation equitable relief</i>	<i>Receiver has been appointed. Litigation is ongoing; Case Management Conference scheduled for 8/17/2021 for status of sale (property sold on 6/9/2021) and 8/18/2021 Hearing on Attorneys' Fees</i>	Unlimited			
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	<i>Complaint and petition for injunctive relief, abatement of nuisance, appointment of receiver and General Litigation equitable relief</i>	<i>Case Management Conference scheduled for 9/23/2021</i>	Unknown			
SCV-268150	<i>People of the State of California, City of Santa Rosa v. David Alan Vicini, and DOES 1-10</i>	Active - Pleadings	Code Enforcement/ Receivership	<i>Complaint for injunctive and General Litigation relief (Drug Abatement Act)</i>	<i>Request for Entry of Default filed on 5/26/2021. Case Management Conference Scheduled for 9/14/2021; Hearing re Default set for 9/21/2021.</i>	Unknown			
SCV-265933	<i>People/City v. Davis Properties, A General Partnership, American Savings Bank, Does 1-10</i>	Active - Pleadings	Code Enforcement/ Receivership	<i>Complaint and Petition for injunctive Relief, Abatement of Nuisance, Appointment of Receiver and General Litigation 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.</i>	<i>Receiver has been appointed and plan for rehabilitation has been approved by the Court and County Environmental Services. Remediation work has begun.</i>	Unknown			
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	<i>Complaint and Petition for injunctive Relief, Abatement of Nuisance, Appointment of Receiver and General Litigation equitable relief</i>	<i>The City's Petition to have a Receiver appointed was granted. The City-recommended Receiver has a contractor on site rehabilitating the Mosher property; 8/3/2021 Order of Court authorizing sale of property; Case Management Conference scheduled for 11/16/2021</i>	Unknown			
GENERAL LITIGATION									
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>	Active - Set for Trial	General Litigation (Breach of Contract)	<i>Allegation of Breach of Contract arising out of public works construction project</i>	<i>Discovery has commenced; Trial set for 11/5/2021</i>	\$688,035.00			

LITIGATION AS OF AUGUST 6, 2021

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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)	<i>Allegation of Breach of Contract arising out of public works construction project</i>	<i>Preliminary discovery underway; possible mediation</i>	Unknown			
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>	Active	General Litigation (CEQA)	<i>Petition for Writ of Mandate – CEQA (challenge to the City's Downtown Station Area Specific Plan)</i>	<i>Stipulation Extending time to prepare administrative record to October 18, 2021 (extension from current due date of August 16, 2021) filed 7-28-21</i>	Unknown			
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>	Active	General Litigation (CEQA)	<i>Petition for Writ of Mandate – CEQA (challenge to the City's All Electric Reach Code)</i>	<i>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.</i>	Unknown			
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 Claims)	<i>Complaint for Declaratory Relief and Injunctive Relief (homeless encampments)</i>	<i>Preliminary Injunction entered; litigation stayed from 8/12/2019 through 12/31/21. Case Management Conference on August 18, 2021</i>	Unknown			
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)	<i>Complaint for damages and equitable relief; Petition for Writ of Mandate under Prop 218, challenging City's water rates</i>	<i>Discovery stayed pending court decision on demurrers regarding venue, joinder, and jurisdiction and General Litigation 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 were filed on July 23, 2021, and a hearing will be held on the demurrers in early October. 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.</i>	Unknown			

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SCV-267391	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&E Corporation, a California Corporation; and DOES 1-100, Inclusive	Settled	General Litigation (Recovery of Fire Damages)	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	To be determined.		5/26/2021	\$938,331.06
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.	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. Trial is set for 1/28/2022				
SCV-264359	Sonoma Citizens for Transparency in Government v City of Santa Rosa, County of Sonoma	Active - Pleadings	PRA	Plaintiff alleges that City wrongfully denied access to requested records under PRA.	Case Management Conference set for 11/9/21; Counsel have met and conferred, and plaintiff's counsel has indicated that City will be dismissed.	Unknown			
ED CV06-0055-GW	United States, et al., ex rel. John Hendrix v. J-M Manufacturing Company, Inc., et al.	Stayed	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	To be determined			
SVC-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	General Litigation (Writ)	Complaint for declaratory and injunctive relief; Petition for Writ of Traditional Mandamus	Pleadings stage; City to file answer to complaint by August 20, 2021	Unknown			

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SCV-268751	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	Active	General Litigation (Writ)	Complaint for injunctive, and declaratory relief, and for writ of mandate to compel production of public records	City is meeting and conferring with plaintiff's counsel about settlement. If it cannot be settled at this time, time to file a responsive pleading on behalf of City is extended to September 2, 2021.	Unknown			
SCV-266092	James L. Duncan v Sonoma Marin Area Rail Transit District, City of Santa Rosa, County of Sonoma	Active - Pleadings	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.	This matter is set for an Order to Show Cause re dismissal hearing on August 12, 2021.				
PERSONAL INJURY/DANGEROUS CONDITION									
SCV-263791	Meyer, Tessala Dakota v. City of Santa Rosa, Does 1-20	Active - Set for Trial	Personal Injury (Motorcycle Accident)	Claimant alleges SRPD officer negligent in operation of motorcycle which crashed into homeless tent	Trial Set for November 12, 2021	According to Proof			
SCV-267799	Lisa Brayson v. City of Santa Rosa; HIGHWAY 29 WINE AND BISTRO, INC. DEPARTMENT29, INC. and DOES 1 to 100	Active - Pleadings	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 codefendants.	Unknown			
SCV-266515	John DeGroot v. City of Santa Rosa, and DOES 1 to 10, Inclusive	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.	Discovery has commenced. Cross-Complaint to be filed against adjacent business owner once plaintiff adds him as a party.	Unknown			
SCV-267033	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	Active - Discovery	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.	Initial written discovery has been exchanged. County witness depositions are being scheduled. This case may be amenable to early resolution.	Unknown			
SCV-265374	Elizabeth Beck v County of Sonoma, et al	Settled	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.	Exceeds \$25K		6/2/2021	\$4,000.00
SCV-265050	Megan Marlow v City of Santa Rosa, Chelino's Restaurant, DOES 1-50	Active - Discovery	Personal Injury/Dangerous Condition	Alleged Personal Injury	Discovery ongoing; Depositions being set.	Exceeds \$25K			
SCV-264473	Jonathan Roope v City of Santa Rosa, and DOES 1 through 50	Active - Set for Trial	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.	Case settled.	Exceeds \$25K		7/15/2021	\$18,000.00

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SCV-266721	<i>Lyzette Campos and Howard Hernandez v. City of Santa Rosa, Timothy Gooler, and DOES 1-20</i>	Active - Set for Trial	Personal injury/motor vehicle	<i>Plaintiffs allege personal injuries caused by rear end collision between police patrol vehicle and plaintiffs' vehicle.</i>	<i>Discovery underway; Trial set for 11/5/2021</i>	Unknown			
POLICE ACTION									
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	Police Action	<i>Plaintiff alleges violation of federal civil rights during arrest.</i>	<i>Active - Discovery underway; Court sets an August 18, 2021 deadline for filing of a dispositive motion. A Motion for Summary Judgement will be filed no later than August 18, 2021.</i>	Unknown			
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	<i>Alleged civil rights violation; malicious prosecution; false arrest and imprisonment; assault and battery; negligence; invasion of privacy; intentional infliction of emotional distress</i>	<i>Case stayed pending appeal of trial court ruling on motion to suppress in criminal case. Appeal is briefed, heard and pending disposition.</i>	According to Proof			
4:18-cv-07731 KAW	<i>Robert Casey, an individual, v. City of Santa Rosa; and DOES 1-50, inclusive</i>	Stayed	Police Action	<i>Plaintiff alleges violation of federal civil rights during arrest.</i>	<i>Judge Westmore issued a Case Management Order on August 2, 2021 setting trial on September 26, 2022. The stay on discovery is lifted.</i>	Unknown			
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>	Active - Discovery	Police Action	<i>Complaint for injuries and civil rights violations by police during protests</i>	<i>Case settled at mediation; City Council approved 8/3/21; closing documents underway</i>	To be determined			

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

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
Jaureque, Carlos by and through his guardian ad litem Anne Marie Montes	6/17/2021	12/24/2020	over \$25,000	Near or at intersection of Hearn Avenue Arrowhead Drive, Santa Rosa	Due to alleged dangerous conditions of City street/intersection, vehicle struck claimant while he was crossing Hearn Avenue.
Gilmore, Andrew & Deven	6/29/2021	1/30/2021	over \$25,000	Baker Ave overcrossing at Corby Ave	Due to alleged dangerous conditions of overcrossing, claimant was hit by debris oil fuel fluids left behind by City maintenance causing property damage and personal injuries.