SETTLEMENTS OVER $50,000 FINALIZED IN APRIL 2023

Case Name	Date Settled	Amount	Description	Notes

No settlements to report

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

Claimant Name	Date of Claim	Date of Incident	Claim Amount	Location	Description of Claim
Belluomini, Michael	1/12/2023*	1/4/2023	to be determined	4055 Santa Rosa Avenue, Friedman's Parking Lot	Claimant alleges that City vehicle struck his car while parked in parking lot.

* Claim escalated to the City Attorney's Office on 5/10/2023.

LITIGATION AS OF MAY 12, 2023

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
CODE ENFORCEMENT/RECEIVERSHIP									
SCV-265933	People/City v. Davis Properties, A General Partnership, American Savings Bank, Does 1-10	Dismissed	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.	The Receiver's Motion for Order Approving Final Report and Accounting, Approving Fees and Expenses, Directing Defendants to Pay Outstanding Receivership Debts, Ratifying Acts of the Receiver, and Discharging the Receiver was granted on 3/1/2023; case was dismissed without prejudice on 4/19/2023.	According to Proof	4/19/2023		
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; hearing date set for 5/24/2023; CMC scheduled for 8/22/2023.	N/A			
GENERAL LITIGATION									
SCV-269762	Owners and Renters Rights Association v. City of Santa Rosa	Dismissed	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 granted and sanctions were ordered.; Plaintiff has agreed to pay the sanctions and dismiss their case without prejudice; The Request for Dismissal was filed on 04/25/2023; Sanctions have been paid and Dismissal was entered by the Court on 05/10/2023.	According to Proof	5/10/2023		
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; Mediation scheduled for 6/05/2023; 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)	Trial has been set for 10/2/2023; the next Case Management Conference is set for 6/7/2023. The Court granted leave to the Plaintiffs to file a Second Amended Complaint and the City has filed its Answer; Discovery has commenced and is ongoing,				
CV 22-4284 SK	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	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	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. Next status report is due on 6/2/2023. Awaiting dismissal by Plaintiffs prior to that next date.				
SCV-271224	STG Unocal Place v. City of Santa Rosa and DOES 1 to 10	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's motion for leave to file an amended Complaint was granted; The parties successfully mediated the case on May 1, 2023, with proposed settlement subject to Council approval; Matter is scheduled to be brought to Council in closed session on May 23, 2023.	According to Proof			
SCV-272177	Mark Kimmel v. Wyatt Irrigation Co, Phil Wyatt, Rita Wyatt, City of Santa Rosa, DOES 1 to 20	Active - Pleadings	General Litigation - Property Damage	Alleges vehicle damage due to driving into drainage ditch along Yolanda Ave at entrance into Wyatt Irrigation Co.	Plaintiff filed an amended complaint on 2/17/2023; the City has demurred to the amended complaint, hearing on which is set for 7/5/2023; There is an initial Case Management Conference scheduled for 7/27/2023.	According to Proof			
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			

LITIGATION AS OF MAY 12, 2023

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
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 indemnity 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 the City's claims for indemnity in place; Court denied UPA's second Motion for Summary Judgment/Adjudication; Discovery is ongoing; Although global mediation has been unsuccessful, City and Plaintiffs have separately reached a tentative settlement, which, if approved by the Court, would resolve the case as to the City. (Litigation would continue between Plaintiffs and UPA alone.) Plaintiffs filed a motion for Court approval of the settlement as a good faith settlement, which UPA opposed; After a full hearing on the good faith settlement, the Court issued an order on 4/11/2023, denying UPA's motion opposing the good faith settlement and affirmed the propriety of the good faith settlement between the City and the Plaintiffs; UPA has filed a writ in response to the Court's ruling. Trial has been continued to 7/28/2023, but will likely be continued again, to allow UPA's writ to be heard.	According to Proof			
PERSONAL INJURY									
SCV-269603	Leocha Metellus-McLemore v. City of Santa Rosa, DOES 1 to 25	Active - Pleadings	Personal Injury/Dangerous Condition	Claimant alleges they suffered physical and emotional pain during arrest.	Initial case management conference set for 7/13/2023.	According to proof			
SCV-269977	Antonia Ibarra v. Charles Robinson; The City of Santa Rosa; and DOES 1-10	Settled	Personal Injury/Dangerous Condition	Claimant alleges they were injured during collision with City vehicle	City has reached an unconditional settlement with Plaintiff for $13,500 on 2/23/2023; pending finalization of written settlement agreement with dismissal to follow.	According to Proof			
SCV-270785	Constance Brown v. City of Santa Rosa, and DOES 1 to 10, inclusive	Active - Set for Trial	Personal Injury/Dangerous Condition	Claimant alleges they tripped and fell over raised slab while walking on sidewalk	City mediated this case on 4/6/2023; case did not settle; initial written discovery has been completed and Plaintiff's deposition was taken on 2/21/2023; Trial set for 10/6/2023.	According to Proof			
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 - 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; discovery has commenced; The matter has been set for further Case Management Conference in September 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.	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; Initial Case Management Conference was held 2/9/2023; Trial has been set for 2/23/2024.; Plaintiff's Deposition has been noticed and set for 6/14/2023.	According to Proof			
SCV-271731	Paula Littleton v. City of Santa Rosa, Hanna Holdings LLC, and Does 1-10	Active - Pleadings	Personal Injury/Dangerous Condition	Plaintiff alleges they 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; Case Management Conference set for 05/23/2023.	According to Proof			

LITIGATION AS OF MAY 12, 2023

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
SCV-272128	Bruce Baxter v. City of Santa Rosa, Steven R. Savage, and DOES 1 to 100 inclusive	Active - Pleadings	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 will be filed shortly; the April Case Management Conference has been continued to July 6, 2023.	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 2/15/2023; initial written discovery is underway; initial Case Management Conference was held on 4/18/2023; trial has been set for April 19, 2024.	According to Proof			
SCV-272343	Kim Taylor v. City of Santa Rosa and Does 1-10	Active - Discovery	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 2/8/2023; the City filed its answer and ROE Cross-Complaint on 3/8/2023; there is an initial Case Management Conference scheduled for 6/8/2023; initial written discovery is underway.	According to Proof			
SCV-272486	Eveline Jones v. City of Santa Rosa; and DOES 1 to 50, inclusive	Active - Pleadings	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 2/10/2023; The City has met and conferred with Plaintiff in advance of demurrer, and Plaintiff has agreed to file a First Amended Complaint, which has yet to be filed or served on the City; an initial Case Management Conference is scheduled for 6/20/2023.	According to Proof			
SCV-272834	Christopher Boccaleoni v. County of Sonoma, City of Santa Rosa, and Does 1-10	Active - Pleadings	Personal Injury/Dangerous Condition	Claimant alleges injuries due to unsafe conditions relating to metal posts on the Joe Rodota Trail	An Answer has been filed, as well as a cross-complaint against the County as the owner and manager of the subject property; written discovery has been served; a Case Management Conference is scheduled for 07/25/2023.				
POLICE ACTION									
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 intends to file an appeal; the matter remains stayed; It appears the appeal will be heard in June 2023.	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 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, 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; settlement conference scheduled for 6/13/2023; Trial scheduled for 8/19/2024.	According to Proof			

LITIGATION AS OF MAY 12, 2023

Case Number	Full Case Name	Status	Category	Case Description	Case Notes	Amount Claimed	Dismissed Date	Settled Date	Settlement Amount
SCV-270820	James Lindsey v. Santa Rosa Police Department and Officers Jason Jucutan, T. White, D. Schindler, B. Wright, J. Badger, George Berg	Active - Pleadings	Police Action	Claimant alleges civil rights were violated during arrest.	Case Management Conference held on 5/9/2023 and Plaintiff failed to appear. Court set the matter for 7/11/2023 for an order to show cause why Plaintiff did not appear.	According to Proof			
WRIT OF MANDATE									
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.	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..	According to Proof			
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 - 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 Opposition to Plaintiff's Second Motion for Summary Judgment on 5/10/2023. Hearing on City's and Plaintiffs' Motions for Summary Judgment is set for 5/24/2023. Trial set for 9/8/2023.	According to Proof			