

EC-20-113



CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

July 13, 2020

TO: Patrick Davis, President, City Council

FROM: Timothy M. Keller, Mayor *TJK*

SUBJECT: Legal Department's Quarterly Litigation Report for the 4th Quarter of FY 2020 (greater than 10,000)

Submitted herewith to City Council is the Legal Department's Quarterly Litigation Report for the 4th Quarter of FY 2020 (greater than 10,000) as required pursuant to R.O.A. §2-8-1-5.

I request that the Quarterly Litigation Reports, attached herewith, be presented to City Council.

Approved:

[Signature]
Sarita Nair
Chief Administrative Officer
Date: 7/22/20

Approved as to Legal Form:

DocuSigned by:
Esteban A. Aguilar, J7/13/2020 | 5:26 PM MDT
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Esteban A. Aguilar, Jr. Date
City Attorney

Cover Analysis

1. What is it?

Legal Department's Quarterly Litigation Report for the 4th Quarter of FY 2020 (greater than 10,000)

2. What will this piece of legislation do?

The purpose of the reports are to inform the City Council of litigation developments, i.e., City victories, settlements and judgments during the above-listed period pursuant to R.O.A. §2-8-1-5.

3. Why is this project needed?

See answer 2 above.

4. How much will it cost and what is the funding source?

N/A.

5. Is there a revenue source associated with this Plan? If so, what level of income is projected?

N/A.

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
CITY VICTORIES
April 1, 2020 to June 30, 2020
4th Quarter FY20

Case Name: Norman, Ishmel v. Albuquerque Police Department; 19-cv-773 JFR/SCY; PO-19-15375 (KM)			
<u>Type of Suit:</u> LIT-Civil Rights/APD	<u>Synopsis of Case</u> Plaintiff alleges violations of his 4th Amendment rights.	<u>Disposition</u> Court granted Dismissal in favor of City following Motions practice.	<u>Amount Paid</u> \$0.00
<u>Division / Attorney:</u> Litigation/Kristin J. Dalton			
<u>Matter ID</u> 10.1044			
Case Name: Cano. C, Raul v. City of Albuquerque Risk Management; A-1-CA-38209; PO-18-09291 (JC)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury	<u>Synopsis of Case</u> Plaintiff alleges personal injury and property damage following a non-descript incident with APD.	<u>Disposition</u> NM District Court Order in favor of City affirmed by the Appeals Court of NM.	<u>Amount Paid</u> \$0.00
<u>Division / Attorney:</u> Litigation/Kristin J. Dalton			
<u>Matter ID</u> 10.995			
Case Name: Dwyer, Patricia v. Sunshine Plumbing and Heating Inc., et al.; D-202-CV-2020-01485; GL-19-17244 (JH)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury	<u>Synopsis of Case</u> Plaintiff alleges personal injuries following a trip and fall on a sidewalk.	<u>Disposition</u> Claims voluntarily Dismissed by Plaintiff. (No Settlement)	<u>Amount Paid</u> \$0.00
<u>Division / Attorney:</u> Litigation/Audrey K. McKee			
<u>Matter ID</u> 11.318			
			Total Amount for April 1, 2020 to June 30, 2020: \$0.00

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000.00
April 1, 2020 to June 30, 2020
4th Quarter FY20

Case Name: Arasim, Charles v. City of Albuquerque, et al.; D-202-CV-2019-00829; PO-19-15556 (AH)			
<u>Type of Suit:</u> LIT-IPRA	<u>Synopsis of Case</u> Plaintiff alleges violations of the New Mexico Inspection of Public Records Act.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$42,500.00
<u>Division / Attorney:</u> Litigation/Audrey K. McKee			
<u>Matter ID</u> 10.1051			
Case Name: Gallardo, Alan v. City of Albuquerque and Damien Baca; D-202-CV-2017-07215; AU-16-00817-2 (KM)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA	<u>Synopsis of Case</u> Plaintiff claims damages after being involved in an auto accident involving a Solid Waste vehicle.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$50,000.00
<u>Division / Attorney:</u> Litigation/Audrey K. McKee			
<u>Matter ID</u> 17.126			
Case Name: Ganley, John v. Eric Jojola, in his individual capacity, and the City of Albuquerque; CV-2017-01597; PO-16-05049 (JH)			
<u>Type of Suit:</u> LIT-Civil Rights and Tort Claims	<u>Synopsis of Case</u> Defendant claims violation of civil rights after being arrested in connection with an identity theft case.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$75,000.00
<u>Division / Attorney:</u> Litigation/Stephanie M. Griffin			
<u>Matter ID</u> 10.874			

Case Name: Baca, Judy Ann v. City of Albuquerque, CV-2018-02822, LIAB#: PO-17-10602 (KM)			
<u>Type of Suit:</u> LIT-Employment/Breach of Contract	<u>Synopsis of Case</u> Complaint for civil damages.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$30,000.00
<u>Division / Attorney:</u> Litigation/EMP/Devon P. Moody			
<u>Matter ID</u> 29.049			
Case Name: Larson, James v. City of Albuquerque; D-202-CV-2020-01428; GL-20-18223 (AS)			
<u>Type of Suit:</u> LIT-IPRA	<u>Synopsis of Case</u> Plaintiff alleges damages following an IPRA request.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$10,000.00
<u>Division / Attorney:</u> Litigation/Audrey K. McKee			
<u>Matter ID</u> 10.1100			
Case Name: Martinez, Leo v. City of Albuquerque; D-202-CV-2019-02979; PO-10-14201 (KM)			
<u>Type of Suit:</u> SCSF-Litigation	<u>Synopsis of Case</u> Plaintiff alleges unlawful forfeiture and violation of property rights following a vehicle seizure.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$30,000.00
<u>Division / Attorney:</u> Litigation/Kristin J. Dalton			
<u>Matter ID</u> <u>Outside Counsel</u> 10.1010			
Case Name: Sanchez, Carlos v. Joseph Viers, et al.; D-202-CV-2019-04873; AU-17-06356 (TGH)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA	<u>Synopsis of Case</u> Plaintiff alleges personal injuries following a motor vehicle collision involving a police officer.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$15,000.00
<u>Division / Attorney:</u> Litigation/Audrey K McKee			
<u>Matter ID</u> 10.1032			

Case Name: Trujillo, Randy v. City of Albuquerque; D-202-CV-2018-08533; GL-18-07094 (JH)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury	<u>Synopsis of Case</u> Plaintiff claims injury after falling at a City Convenience Center.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$50,000.00
<u>Division / Attorney:</u> Litigation/Audrey K. McKee			
<u>Matter ID</u> <u>Outside Counsel</u> 17.142			
Case Name: Vargas, Martin v. Albuquerque Police Department, et al.; D-202-CV-2019-04445; PO-19-15162 (KM)			
<u>Type of Suit:</u> LIT-IPRA	<u>Synopsis of Case</u> Plaintiff alleges violations of the Inspection of Public Records Act.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$17,000.00
<u>Division / Attorney:</u> Litigation/Audrey K. McKee			
<u>Matter ID</u> 10.1039			
Case Name: Woody, Elisa v. The City of Albuquerque, et al.; D-202-CV-2019-05449; GL-19-12430 (KM)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury	<u>Synopsis of Case</u> Plaintiff alleges personal injuries and negligence following a bicycle accident on a City bike path.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$25,000.00
<u>Division / Attorney:</u> Litigation/Audrey K. McKee			
<u>Matter ID</u> <u>Outside Counsel</u> 11.303			
Total Amount for April 1, 2020 to June 30, 2020: \$344,500.00			

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
SETTLEMENTS AND JUDGMENTS LESS THAN \$10,000.00
April 1, 2020 to June 30, 2020
4th Quarter FY20**

Case Name:			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
			\$0.00
<u>Division / Attorney:</u>			
<u>Matter ID</u> <u>Outside Counsel</u>			
			Total Amount for April 1, 2020 to June 30, 2020: \$0.00