

EC-26-64



Mayor Timothy M. Keller

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor

INTER-OFFICE MEMORANDUM

DATE: 2/17/2026

TO: Klarissa J. Pena, President, City Council

FROM: Timothy M. Keller, Mayor



SUBJECT: Legal Department's Quarterly Litigation Report for the 3rd Quarter of FY 2025
(Greater than 10,000)

Submitted herewith to City Council is the Legal Department's Quarterly Litigation Report for the 3rd Quarter of FY 2025 (Greater than \$10,000) as required pursuant to R.O.A. §2-8-1-5.

I request that the Quarterly Litigation Reports be presented to City Council for information.

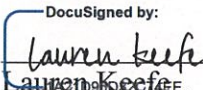
TITLE/SUBJECT OF LITIGATION: Legal Department’s Quarterly Litigation Report for the 3rd Quarter of FY 2025 (Greater than 10,000)

Approved:

 2/23/26

Dr. Samantha Sengel Date
Chief Administrative Officer

Approved as to Legal Form:

DocuSigned by:
 2/18/2026 | 8:24 AM MST
Lauren Keefe Date
City Attorney

Cover Analysis

1. What is it?

Legal Department's Quarterly Litigation Report for the **3rd** Quarter of **FY 2025** (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.

6. What will happen if the project is not approved?

N/A

7. Is this service already provided by another entity?

N/A

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000**

January 1, 2025 to March 31, 2025

3rd Quarter FY25

Case Name: Aguirre, Sylvia v. City of Albuquerque; D-202-CV-2025-00204			
<u>Type of Suit:</u> LIT (General)	<u>Synopsis of Case</u> Claim that City failed to follow proper procedure in enforcing speed camera violation.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$10,000
<u>Division / Attorney:</u> Litigation / Ashlee M. Wright			
<u>Matter ID / Outside Counsel</u> 10.1672			
<u>Department-Client:</u> Police			
Case Name: Blair, Christina, et al., v. City of Albuquerque, et al.; D-202-CV-2022-05128			
<u>Type of Suit:</u> LIT-Civil Rights/APD	<u>Synopsis of Case</u> Claim for wrongful arrest.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$70,000.00
<u>Division / Attorney:</u> Litigation / Kristin J. Dalton			
<u>Matter ID / Outside Counsel</u> 10.1456 Jessica Nixon			
<u>Department-Client:</u> Police			
Case Name: Cantu, Judith v. City of Albuquerque, et al.; D-202-CV-2021-05212			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/Premises Liab.	<u>Synopsis of Case</u> Claim for damages after a trip and fall incident in a roadway.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$200,000.00
<u>Division / Attorney:</u> Litigation / Laura Callanan			
<u>Matter ID / Outside Counsel</u> 11.384			
<u>Department-Client:</u> Municipal Development			

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000**

January 1, 2025 to March 31, 2025

3rd Quarter FY25

Case Name: Correa, Estevan v. City of Albuquerque and Ethan Watson; D-202-CV-2024-00976			
<u>Type of Suit:</u> LIT-IPRA <u>Division / Attorney:</u> Litigation / Laura Callanan <u>Matter ID / Outside Counsel</u> 45.076 <u>Department-Client:</u> City Clerk	<u>Synopsis of Case</u> Claim for violation of IPRA.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$50,000.00
Case Name: Griego, Ralph v. City of Albuquerque and Luis Aguilar; D-202-CV-2024-08900			
<u>Type of Suit</u> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation / Tyren C Holmes <u>Matter ID / Outside Counsel</u> 10.1655 <u>Department-Client:</u> Police	<u>Synopsis of Case</u> Claim for damages arising out of a motor vehicle collision.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$27,500.00
Case Name: Jaime, Daizy, et al., v. City of Albuquerque, et al.; D-202-CV-2023-02492			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation / Laura Callanan <u>Matter ID / Outside Counsel</u> 10.1500 <u>Department-Client:</u> Police	<u>Synopsis of Case</u> Claim for damages arising out of a motor vehicle collision.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$26,500.00

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000**

January 1, 2025 to March 31, 2025

3rd Quarter FY25

Case Name: Jennifer Olona v. City of Albuquerque, D-202-CV-2024-02385			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Employment NM Human Rights Act	Claim for retaliation and discrimination based on disability.	Settled	\$51,500.00
<u>Division / Attorney:</u>			
Litigation /EMP/ Catherine Gonzalez			
<u>Matter ID / Outside Counsel</u>			
40.020 Veronica N. Mireles			
<u>Department-Client:</u>			
General Services			
Case Name: Kerley, Gillam v. City of Albuquerque; D-202-CV-2023-09087			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-IPRA	Claim for violation of IPRA.	Settled	\$75,000.00
<u>Division / Attorney:</u>			
Litigation / Laura Callanan			
<u>Matter ID / Outside Counsel</u>			
45.069			
<u>Department-Client:</u>			
City Clerk			
Case Name: Nguyen, Hong v. City of Albuquerque et al.; D-202-CV-2024-05825			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Civil Rights/APD	Claim for wrongful arrest.	Settled	\$10,000.00
<u>Division / Attorney:</u>			
Litigation / Ashlee M. Wright			
<u>Matter ID / Outside Counsel</u>			
10.1643			
<u>Department-Client:</u>			
Police			

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000**

January 1, 2025 to March 31, 2025

3rd Quarter FY25

Case Name: Stanley, Jennifer v. Ethan Watson, the designated custodian of Public Records for the City of Albuquerque; D-202-CV-2024-04046			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-IPRA	Claim for violation of IPRA.	Settled	\$40,000.00
<u>Division / Attorney:</u>			
Litigation / Tyren C. Holmes			
<u>Matter ID / Outside Counsel</u>			
45.088			
<u>Department-Client:</u>			
City Clerk			
Case Name: Tim Apodaca v. City of Albuquerque, CV-2024-03675			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Employment NM Human Rights Act	Claim for Violation of the New Mexico Human Rights Act.	Settled	\$35,000.00
<u>Division / Attorney:</u>			
Litigation/EMP/ Catherine Gonzalez			
<u>Matter ID / Outside Counsel</u>			
10.1601			
<u>Department-Client:</u>			
Police			

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000**

January 1, 2025 to March 31, 2025

3rd Quarter FY25

Case Name: Joleen Youngers as the court appointed Limited Conservator for Max Mitnik, Dr. Michael Mitnik, the Estate of Wanda Mitnik, and the heirs/assigns of Wanda Mitnik			
<u>Type of Suit:</u> LIT-Civil Rights- APD	<u>Synopsis of Case</u> Claim for excessive force.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$2,500,000.00
<u>Division / Attorney:</u> Litigation/ Stephanie Griffin			
<u>Matter ID / Outside Counsel</u> 10.1124			
<u>Department-Client:</u> Police			
Total Amount for January 1, 2025 to March 31, 2025: \$3,095,500.00			

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
SETTLEMENTS AND JUDGMENTS LESS THAN \$10,000**

January 1, 2025 to March 31, 2025

3rd Quarter FY25

Case Name: Gonzalez-Perez, Yoscelin v. City of Albuquerque and Andres Torres; D-202-CV-2023-04725			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation / Ashlee M. Wright <u>Matter ID</u> <u>Outside Counsel</u> 12.421 <u>Department-Client:</u> Transit	<u>Synopsis of Case</u> Claim for damages following accident involving a City bus.	<u>Disposition</u> Settled.	<u>Amount Paid</u> \$2,500.00
Total Amount for January 1, 2025 to March 31, 2025:			\$2,500.00

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
CITY VICTORIES
January 1, 2025 to March 31, 2025
3rd Quarter FY25

Case Name: Watermillier, David (PR) et al.; A-1-CA-41145 (appealed from D-202-CV-2022-03750)		
<u>Type of Suit:</u> LIT-Tort/Wrongful Death <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID / Outside Counsel</u> 10.1302 <u>Department-Client:</u> Police	<u>Synopsis of Case</u> Claim based on failure to force entry upon a barricaded subject who later committed suicide.	<u>Disposition</u> Dismissal granted in favor of City's motion to dismiss for failure to state a claim. The District Court and Court of Appeals determined that Plaintiffs had not stated a claim because Defendants were not under a statutory duty to take the decedent into custody.
Case Name: Valenzuela, Julian v. Albuquerque Police Department and Albuquerque Fire and Rescue; 1:24-cv-00136-JB-JFR		
<u>Type of Suit:</u> LIT-Civil Rights and Tort Claims <u>Division / Attorney:</u> Litigation /Ashlee M Wright <u>Matter ID / Outside Counsel</u> 10.1571 <u>Department-Client:</u> Police	<u>Synopsis of Case</u> Claim for damages following an arrest.	<u>Disposition</u> Dismissed for failure to state a claim and follow pleading requirements.

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
CITY VICTORIES
January 1, 2025 to March 31, 2025
3rd Quarter FY25

Case Name: Rodarte, Crystal, as next friend of Child A.L. v. Tiffany Rodriguez, et al.; D-202-CV-2024-08229		
<u>Type of Suit:</u> LIT-Tort/Personal Injury/Premises Liab. <u>Division / Attorney:</u> Litigation / Ashlee M. Wright <u>Matter ID / Outside Counsel</u> 11.465 <u>Department-Client:</u> Municipal Development	<u>Synopsis of Case</u> Claim for damages after a vehicle struck a child on a bicycle.	<u>Disposition</u> Dismissed for failure to state a claim and follow pleading requirements.
Case Name: Rivera, Jason; Tort Claim Notice		
<u>Type of Suit:</u> LIT-Civil Rights and Tort Claims <u>Division / Attorney:</u> Litigation /Kristin J. Dalton <u>Matter ID / Outside Counsel</u> 10.1651 <u>Department-Client:</u> Police	<u>Synopsis of Case</u> Claim for excessive force.	<u>Disposition</u> Claim closed following investigation. APD was not involved in incident.
Case Name: Montoya, Carlos v. City of Albuquerque; Court of Appeals A-1-CA-39953		
<u>Type of Suit:</u> LIT-Employment/Breach of Contract <u>Division / Attorney:</u> Litigation/EMP/ Ian Stoker <u>Matter ID / Outside Counsel</u> 15.111 Andrea Robeda <u>Department-Client:</u> Fire	<u>Synopsis of Case</u> Claim for breach of contract.	<u>Disposition</u> Dismissed for lack of standing.

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
CITY VICTORIES
January 1, 2025 to March 31, 2025
3rd Quarter FY25

Case Name: Frenchman, Tom E. v Risk Management City of Albuquerque; D-202-CV-2023-09835		
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>
Litigation (General)	Claim for damages based on lost glasses.	Dismissed based on failure to state a claim.
<u>Division / Attorney:</u>		
Litigation /Ashlee M. Wright		
<u>Matter ID / Outside Counsel</u>		
10.1573		
<u>Department-Client:</u>		
Police		
Case Name: Esquer, Markos v. City of Albuquerque; 1:25cv00082 JCH/KRS		
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>
LIT-Civil Rights and Tort Claims	Claim alleging City improperly allowed radio personality to broadcast his show.	Voluntary dismissal by Plaintiff.
<u>Division / Attorney:</u>		
Litigation/Ashlee M. Wright		
<u>Matter ID / Outside Counsel</u>		
43.037		
<u>Department-Client:</u>		
Mayor		

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
CITY VICTORIES
January 1, 2025 to March 31, 2025
3rd Quarter FY25

Case Name: Dyer, Sally; Romero, Teresa; and Abernathy, Mandi v City of Albuquerque; S-1-SC-40781		
<u>Type of Suit:</u> LIT-Employment/Breach of Contract	<u>Synopsis of Case</u> Claim by three former sex crimes detectives alleging violations of the New Mexico Whistleblower Protection Act and Human Rights Act.	<u>Disposition</u> District Court rule in favor of the City on the claims for violation of the NMWPA and on the NMHRA claims brought by two of the Plaintiffs. The District Court ruled in favor of Plaintiff Romero based on her claim that the City failed to accommodate her PTSD and awarded Romero 1.4 million. The Court of Appeals reversed. As a result, the City was not found to be liable under any theory.
<u>Division / Attorney:</u> Litigation/EMP/Catherine Gonzalez		
<u>Matter ID / Outside Counsel</u> 10.1123		
<u>Department-Client:</u> Police		