

EC-23-239



**CITY OF ALBUQUERQUE**  
**Albuquerque, New Mexico**  
**Office of the Mayor**

Mayor Timothy M. Keller

**INTER-OFFICE MEMORANDUM**

DATE: 02/01/2023

**TO:** Pat Davis, President, City Council

**FROM:** Timothy M. Keller, Mayor

**SUBJECT:** Legal Department's Quarterly Litigation Report for the 2nd Quarter of FY 2023  
(Greater than 10,000)

Submitted herewith to City Council is the Legal Department's Quarterly Litigation Report for the 2nd Quarter of FY 2023 (Greater than \$10,000) as required pursuant to R.O.A. §2-8-1-5.

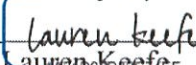
I request that the Quarterly Litigation Reports be presented to City Council for information.

**TITLE/SUBJECT OF LITIGATION:** Legal Department's Quarterly Litigation Report for the 2nd Quarter of FY 2023 (Greater than 10,000)

Approved:

  
\_\_\_\_\_  
Lawrence Rael                      Date  
Chief Administrative Officer

Approved as to Legal Form:

DocuSigned by:  
 2/5/2023 | 2:43 PM MST  
\_\_\_\_\_  
Lauren Keefe                      Date  
City Attorney

## Cover Analysis

### **1. What is it?**

Legal Department's Quarterly Litigation Report for the 2<sup>nd</sup> Quarter of **FY 2023** (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  
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000.00**

**October 1, 2022 to December 31, 2022**

**2<sup>nd</sup> Quarter FY23**

<b>Case Name: Anaya, Rosemarie v. City of Albuquerque, et al.; D-202-CV-2020-06569</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/ Premises Liab. <b><u>Division / Attorney:</u></b> Litigation/Ashlee M. Wright <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 33.077	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injuries following a trip and fall incident at the River of Lights.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$50,000.00
<b>Case Name: Brown, Casey, et al., v. Joseph Nathan Guerrero and City of Albuquerque; D-202-CV-2022-03633</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/MVA <b><u>Division / Attorney:</u></b> Litigation/Laura Callanan <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.415	<b><u>Synopsis of Case</u></b> Plaintiffs alleged personal injuries following a motor vehicle accident involving a City bus.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$40,000.00
<b>Case Name: Garcia, Joey v. City of Albuquerque; D-202-CV-2022-00999</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/ Premises Liab. <b><u>Division / Attorney:</u></b> Litigation/Laura Callanan <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.397	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injuries after wrecking his bike on a City sidewalk.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$25,000.00

<b>Case Name: Gonzalez, Cristian, as next friend of J.G., a minor v. City of Albuquerque; D-202-CV-2021-07198</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/ Premises Liab. <b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 13.110	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injury on behalf of a minor child for injuries that occurred while playing on a swing set at a City park. Plaintiff also claimed damages pursuant to IPRA.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$250,000.00
<b>Case Name: Ross, John v. City of Albuquerque; Tort Claims Notice</b>			
<b><u>Type of Suit:</u></b> LIT-Employment/WPA <b><u>Division / Attorney:</u></b> Litigation/EMP/Ian G. Stoker <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.1416	<b><u>Synopsis of Case</u></b> Complaint alleging violation of the Whistleblower Protection Act.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$400,000.00
<b>Case Name: Baca, Judy Ann v. City of Albuquerque; D-202-CV-2021-04194</b>			
<b><u>Type of Suit:</u></b> LIT-Employment/Breach of Contract <b><u>Division / Attorney:</u></b> Litigation/EMP/Ian G. Stoker <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.395	<b><u>Synopsis of Case</u></b> Complaint for alleged civil damages and violation of the NM Whistleblower Protection Act.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$10,000.00
<b>Case Name: Lopez, Selena, individually and as mother of Noah Lopez v. City of Albuquerque and City of Albuquerque Parks and Recreation; D-202-CV-2020-05060</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury <b><u>Division / Attorney:</u></b> Litigation/Aaron Holloman <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 13.104	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injuries following an incident at a City park.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$33,501.71

<b>Case Name: Minard, Maria v. Elizabeth Line and City of Albuquerque; D-202-CV-2020-05249</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury <b><u>Division / Attorney:</u></b> Litigation/Aaron Holloman <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.373	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injuries involving a handicapped ramp on a City bus.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$10,000.00
<b>Case Name: Ortiz, Martin v. City of Albuquerque, et al.; D-202-CV-2020-06699</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/MVA <b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.379	<b><u>Synopsis of Case</u></b> Plaintiff alleged damages and personal injuries following a motor vehicle collision involving a City bus.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$27,500.00
<b>Case Name: Sullivan, Kathleen v. City of Albuquerque; D-202-CV-2020-04220</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/ Premises Liab. <b><u>Division / Attorney:</u></b> Litigation/Aaron Holloman <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.336	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injuries following a trip and fall on a sidewalk.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$125,000.00
<b>Case Name: Thomas, David v. John Doe and City of Albuquerque; D-202-CV-2021-06282</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury <b><u>Division / Attorney:</u></b> Litigation/Laura Callanan <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.404	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injuries after falling on a City bus.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$30,000.00
<b><u>Total Amount for October 1, 2022 to December 31, 2022: \$1,001,001.71</u></b>			

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT**  
**SETTLEMENTS AND JUDGMENTS LESS THAN \$10,000.00**  
**October 1, 2022 to December 31, 2022**  
**2<sup>nd</sup> Quarter FY23**

<b>Case Name: Trujillo, Marcos aka Marcus Trujillo v. Corrections Employee Victor Turner and Albuquerque Police Department; 20-cv-792 SCY/JFR</b>			
<b><u>Type of Suit:</u></b> LIT-Civil Rights and Tort Claims <b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.1398	<b><u>Synopsis of Case</u></b> Plaintiff alleged assault and battery and violations of his civil rights following a detention by the Albuquerque Police Department.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$1,000.00
<b>Case Name: Flores, Jose v. Adam Esquibel and City of Albuquerque; D-202-CV-2022-00955</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/MVA <b><u>Division / Attorney:</u></b> Litigation/Ashlee M. Wright <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.399	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injury and damages following a motor vehicle accident involving a City vehicle.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$8,000.00
<b>Case Name: Chavez, Matthew v. City of Albuquerque; D-202-CV-2021-05054</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Property Damages/ Premises Liab. <b><u>Division / Attorney:</u></b> Litigation/Laura Callanan <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.392	<b><u>Synopsis of Case</u></b> Plaintiff alleged property damages and personal injuries following hitting a "pot hole" while driving.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$2,000.00

<b>Case Name: Solomon, Isaac v. City of Albuquerque, et al.; D-202-CV-2021-04053</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/MVA <b><u>Division / Attorney:</u></b> Litigation/Aaron Holloman <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.402	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injuries following a motor vehicle accident involving a transit bus.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$5,000.00
<b>Case Name: Ochoa, Roxanna as Parent and Next Friend of I.O., a Minor v. City of Albuquerque; D-202-CV-2021-05049</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/ Premises Liab. <b><u>Division / Attorney:</u></b> Litigation/Laura Callanan <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.381	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injury following a child falling off of a bicycle.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$7,500.00
<b>Case Name: Blair, Christina v. City of Albuquerque; D-202-CV-2022-05129</b>			
<b><u>Type of Suit:</u></b> LIT-IPRA <b><u>Division / Attorney:</u></b> Litigation/Laura Callanan <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 45.032	<b><u>Synopsis of Case</u></b> Plaintiff alleged damages pursuant to IPRA.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$4,500.00
<b><u>Total Amount for October 1, 2022 to December 31, 2022: \$28,000.00</u></b>			

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT  
CITY VICTORIES**

**October 1, 2022 to December 31, 2022**

**2<sup>nd</sup> Quarter FY23**

<b>Case Name: Jackson, Sharoski v. Diane Roberts, Records Custodian Albuquerque Police Department; D-202-CV-2020-04185</b>		
<b><u>Type of Suit:</u></b> LIT-IPRA <b><u>Division / Attorney:</u></b> Litigation/Aaron Holloman <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.1149	<b><u>Synopsis of Case</u></b> Plaintiffs alleged damages pursuant to IPRA.	<b><u>Disposition</u></b> Disposition Order for Lack of Prosecution
<b>Case Name: Reeves, Demall v. Joshua Chafin; 1:19-cv-00687-JB/LF</b>		
<b><u>Type of Suit:</u></b> LIT-Civil Rights and Tort Claims <b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.1061	<b><u>Synopsis of Case</u></b> Plaintiff alleged violations of his civil rights, and tort claims following an arrest.	<b><u>Disposition</u></b> Final Judgment issued in favor of City following Motions practice.
<b>Case Name: Sandoval, Betty v. City of Albuquerque; D-202-CV-2021-03101</b>		
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/Premises Liab. <b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 33.070	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injuries following a trip and fall incident while a spectator at the Thunderbird Little League Ball Park.	<b><u>Disposition</u></b> Dismissed Sua Sponte for Lack of Prosecution



<b>Case Name: Padilla, Jose v. City of Albuquerque; D-202-CV-2020-02154</b>		
<b><u>Type of Suit:</u></b> LIT-Employment/Breach of Contract <b><u>Division / Attorney:</u></b> Litigation/EMP/Ian G. Stoker <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 17.158	<b><u>Synopsis of Case</u></b> NM Whistleblower Protection Act.	<b><u>Disposition</u></b> Order to Dismiss
<b>Case Name: HFP III, LLC v. City of Albuquerque and Albuquerque Bernalillo County Water Utility Authority; D-202-CV-2022-01579</b>		
<b><u>Type of Suit:</u></b> LIT-Tort/Property Damages <b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 17.179	<b><u>Synopsis of Case</u></b> Plaintiff alleged property damages following median landscaping.	<b><u>Disposition</u></b> Settled by responsible party. No settlement proceeds paid by City.
<b>Case Name: Carter, Charles v. State of New Mexico, et al.; D-202-CV-2022-01593</b>		
<b><u>Type of Suit:</u></b> LIT-Civil Rights/APD <b><u>Division / Attorney:</u></b> Litigation/Ashlee M. Wright <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.1429	<b><u>Synopsis of Case</u></b> Plaintiff alleged Civil Rights violations following an arrest.	<b><u>Disposition</u></b> Dismissed Sua Sponte by Court following review of the record.
<b>Case Name: Harapat, Eric David v. Mayor Tim Keller; D-202-CV-2022-04653</b>		
<b><u>Type of Suit:</u></b> Litigation (General) <b><u>Division / Attorney:</u></b> Litigation/Ashlee M. Wright <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 43.032	<b><u>Synopsis of Case</u></b> Plaintiff Pro-Se claimed damages due to "policies" of the Mayor's office.	<b><u>Disposition</u></b> Order issued in favor of City following Motions practice.