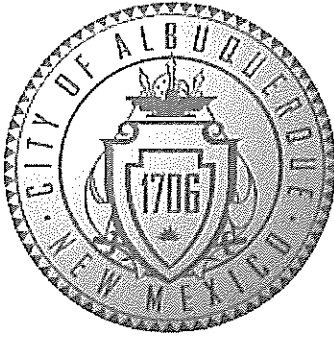


EC-22-53



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

DATE: 03/18/2022

TO: Isaac Benton, President, City Council

FROM: Timothy M. Keller, Mayor

SUBJECT: Legal Department's Quarterly Litigation Report for the 2nd Quarter of FY 2022 (Greater than 10,000)

Submitted herewith to City Council is the Legal Department's Quarterly Litigation Report for the 2nd Quarter of FY 2022 (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 2022 (Greater than 10,000)

Approved:

3/23/22

Sarita Nair
Chief Administrative Officer

Date

Approved as to Legal Form:

DocuSigned by:

3/18/2022 | 12:19 PM MDT

Esteban A. Aguilar, Jr.
City Attorney

Date

Cover Analysis

1. What is it?

Legal Department's Quarterly Litigation Report for the **2nd** Quarter of **FY 2022** (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 \$10,000.00**

October 1, 2021 to December 2021

2nd Quarter FY22

Case Name: Ankiewicz, Natalia v. City of Albuquerque and Ethan Lucero, et al.; D-202-CV-2021-04210			
<u>Type of Suit:</u> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation / Michael D. Russell <u>Matter ID</u> <u>Outside Counsel</u> 15.114	<u>Synopsis of Case</u> Plaintiff alleged personal injury and property damage following an incident involving a fire hose.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$20,000.00
Case Name: Cordova, Katherine v. City of Albuquerque et al.; D-202-CV-2018-08509			
<u>Type of Suit:</u> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation / Aaron Holloman <u>Matter ID</u> <u>Outside Counsel</u> 12.322	<u>Synopsis of Case</u> Plaintiff claimed injury claims injury after being struck by a City bus while crossing the street.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$75,000.00
Case Name: Corwin-Martinez, Jamie v. New Mexico Department of Transportation and the City of Albuquerque; D-202-CV-2020-01926			
<u>Type of Suit:</u> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 11.321	<u>Synopsis of Case</u> Plaintiff alleged personal injuries and negligence following a bicycle accident on a City bike path.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$10,000.00

Case Name: DeLeon, Ramon v. City of Albuquerque, et al.; D-202-CV-2019-05798

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury/MVA	Plaintiff alleged property damages and personal injury following a motor vehicle accident involving the Albuquerque Police Department.	Settled	\$120,000.00
<u>Division / Attorney:</u>			
Litigation / Kristin J. Dalton			
<u>Matter ID</u> <u>Outside Counsel</u>			
10.1046			

Case Name: Estate of Kenneth Reiss; TCN; PO-21-19875 (RD)

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
Tort Claim			\$50,000.00
<u>Division / Attorney:</u>			
Stephanie M. Griffin			
<u>Matter ID</u> <u>Outside Counsel</u>			

Case Name: Garcia, Antonio, et al., v. City of Albuquerque, et al.; D-202-CV-2019-04448

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury	Plaintiffs alleged negligence and personal injuries following a motor vehicle accident involving a pedestrian.	Settled	\$10,000.00
<u>Division / Attorney:</u>			
Litigation / Kristin J. Dalton			
<u>Matter ID</u> <u>Outside Counsel</u>			
11.300			

Case Name: Husted, Michele v. City of Albuquerque; D-202-CV-2019-04416

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury	Plaintiff alleged personal injuries following a trip and fall on a residential street.	Settled	\$50,000.00
<u>Division / Attorney:</u>			
Litigation / Aaron Holloman			
<u>Matter ID</u> <u>Outside Counsel</u>			
11.298			

Case Name: Olivas, Regina v. City of Albuquerque; D-202-CV-2020-06876

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury/ Premises Liab.	Plaintiff alleged personal injuries after a slip and fall incident near the Sid Cutter Pilot Pavilion located	Settled	\$18,500.00

Division / Attorney: _____ at the Balloon Fiesta Park. Litigation / Ashlee M. Wright Matter ID Outside Counsel 13.105			
Case Name: Perez, Angela v. City of Albuquerque; D-202-CV-2020-03597			
Type of Suit:	Synopsis of Case	Disposition	Amount Paid
LIT-Tort/Personal Injury/ Premises Liab.	Plaintiff alleged personal injuries following a trip and fall at a Community Center.	Settled	\$35,000.00
Division / Attorney: _____ Litigation / Michael D. Russell Matter ID Outside Counsel 20.226			
Case Name: Rightley-Lewis, Susan v. City of Albuquerque, et al.; D-202-CV-2019-09005			
Type of Suit:	Synopsis of Case	Disposition	Amount Paid
LIT-Tort/Personal Injury/ Premises Liab.	Plaintiff alleged personal injuries following a slip and fall incident at a City park.	Settled	\$100,000.00
Division / Attorney: _____ Litigation / Kristin J. Dalton Matter ID Outside Counsel 13.101			
Case Name: Senac, Stephen v. City of Albuquerque D-202-CV-2020-04199; Complaint for Employment Discrimination Based on Age and Race			
Type of Suit:	Synopsis of Case	Disposition	Amount Paid
LIT-Employment/Discrimination	Stephen Senac v. City of Albuquerque	Settled	\$35,000.00
Division / Attorney: _____ Litigation/EMP / Ian G. Stoker Matter ID Outside Counsel 33.069			
Total Amount for October 1, 2021 to December 31, 2021: \$523,500.00			

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
SETTLEMENTS AND JUDGMENTS LESS THAN \$10,000.00**

October 1, 2021 to December 31, 2021

2nd Quarter FY22

Case Name: Allen, Paul v. Albuquerque Police Department; D-202-CV-2021-05109			
<u>Type of Suit:</u> LIT-IPRA <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID Outside Counsel</u> 10.1337	<u>Synopsis of Case</u> Plaintiff alleged damages pursuant to IPRA.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$8,500.00
Case Name: Gurule, Leo v. City of Albuquerque and Jason Elwell; D-202-CV-2020-01473			
<u>Type of Suit:</u> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation / Michael D. Russell <u>Matter ID Outside Counsel</u> 17.156	<u>Synopsis of Case</u> Plaintiff alleged injuries following an interaction with a Solid Waste Department employee.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$5,000.00
Case Name: Hughes, Suzanne and Christine Brooks v. City of Albuquerque and David Beavides, Jr.; D-202-CV-2021-02409			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation / Ashlee M. Wright <u>Matter ID Outside Counsel</u> 17.165	<u>Synopsis of Case</u> Plaintiffs alleged personal injuries and damages following a motor vehicle collision involving a City employee.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$9,000.00
Total Amount for October 1, 2021 to December 31, 2021: \$22,500.00			

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT
CITY VICTORIES
October 1, 2021 to December 31, 2021
2nd Quarter FY22

Case Name: Britton, Marcy v. Mayor Keller, Danny Nevarez and City of Albuquerque; 20-2054 (Appealed from 19-cv-01113 KG/JHR)		
<u>Type of Suit:</u> LIT-Declaratory Jgmt/Injunctive Relief <u>Division / Attorney:</u> Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 24.372	<u>Synopsis of Case</u> Plaintiff alleged property and other damages in relation to animal welfare policies involving feral cats.	<u>Disposition</u> Order of Dismissal granted in favor of City following Motions practice. 10th Circuit Court affirmed on appeal. Writ of Certiorari denied.
Case Name: Richesin, Felicia and Shawn Richesin v State of New Mexico, et al., CV-2018-00567		
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation / Stephanie M. Griffin <u>Matter ID</u> <u>Outside Counsel</u> 11.260	<u>Synopsis of Case</u> Plaintiffs claim injury from an automobile accident claiming the City failed to maintain the roads.	<u>Disposition</u> Order granting City's Motion for Summary Judgment in favor of City.
Case Name: Taylor, Leland v. Michell Lujan Grisham, et al.; Subpoena to Mayor Timothy Keller; 20-cv-00267 JB/JHR		
<u>Type of Suit:</u> Litigation (General) <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 43.030	<u>Synopsis of Case</u> Subpoena emailed to Mayor Timothy Keller on 5/15/2020.	<u>Disposition</u> Subpoena issue complete.