

Cover Analysis

1. What is it?

Legal Department's Quarterly Litigation Report for the **3rd** 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
CITY VICTORIES
January 1, 2022 to March 31, 2022
3rd Quarter FY22

Case Name: Glover, Augustine v. Albuquerque Police Department; D-202-CV-2021-04715		
<u>Type of Suit:</u> LIT-IPRA <u>Division / Attorney:</u> Litigation/Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 10.1330	<u>Synopsis of Case</u> Plaintiff alleged damages pursuant to IPRA.	<u>Disposition</u> Dismissed for Lack of Prosecution
Case Name: Klunczyk, Jared v. City of Albuquerque; D-202-CV-2020-04998		
<u>Type of Suit:</u> Employment/NM Whistleblowers Act <u>Division / Attorney:</u> Employment/Ian G. Stoker <u>Matter ID</u> <u>Outside Counsel</u> 10.1164	<u>Synopsis of Case</u> Complaint for damages from alleged improper employment practice, retaliation and violation of the New Mexico Whistle Blowers Act.	<u>Disposition</u> Motion for Summary Judgment granted.
Case Name: Romero, James and Irene Romero as Guardian and Next Friend of Christine Romero, a Minor v. City of Albuquerque and Albuquerque Public School; D-202-CV-2021-03510		
<u>Type of Suit:</u> LIT-Tort/Personal Injury/Premises Liab. <u>Division / Attorney:</u> Litigation/Ashlee M. Wright <u>Matter ID</u> <u>Outside Counsel</u> 13.109	<u>Synopsis of Case</u> Plaintiffs alleged personal injury after a child was injured on a piece of playground equipment.	<u>Disposition</u> City dismissed with Prejudice.
Case Name: Sanchez, Thomas v. City of Albuquerque, et al.; 1:20-cv-01208 JB/JHR		
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>

<p>LIT-Tort/Personal Injury Division / Attorney: _____ Litigation/Kristin J. Dalton Matter ID Outside Counsel 12.374 Jason M. Burnette</p>	<p>Plaintiff alleged damages following being a repeat passenger on a City bus.</p>	<p>Dismissal granted in favor of City following Motions practice.</p>
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Case Name: Tafoya, Dominique v. City of Albuquerque, et al.; D-202-CV-2020-05109		
<p>Type of Suit: _____ LIT-Tort/Personal Injury/MVA Division / Attorney: _____ Litigation/Aaron Holloman Matter ID Outside Counsel 12.372</p>	<p>Synopsis of Case _____ Plaintiff alleged personal injuries following a motor vehicle collision involving a Transit vehicle.</p>	<p>Disposition _____ Dismissed; Order Denying Plaintiff's Motion for Reinstatement.</p>

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

January 1, 2022 to March 31, 2022

3rd Quarter FY22

Case Name: Becenti, Ellen v. City of Albuquerque; D-202-CV-2019-07492			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation/Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 12.349	Plaintiff alleged personal injury and damages following a motor vehicle accident involving the Transit Department.	Settled	\$45,000.00
Case Name: Brinkley, Deb v. Joel Craig; D-202-CV-2019-09858; PO-19-15748 (RD)			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
Litigation (General) <u>Division / Attorney:</u> Litigation/Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 24.377	Plaintiff alleged damages against a City employee following her termination.	Settled	\$50,000.00
Case Name: Rutledge-Nourse, Carmen v. City, D-202-CV-2021-04096			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Employment/Discrimination <u>Division / Attorney:</u> Litigation/EMP/Ian G. Stoker <u>Matter ID</u> <u>Outside Counsel</u> 17.168 Andrea Robeda	Complaint alleged age and disability-based discrimination.	Settled	\$40,000.00

Case Name: Duran, Adriana v. City of Albuquerque, et al.; D-202-CV-2020-04763			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury Premises Liab. <u>Division / Attorney:</u> Litigation/Aaron Holloman <u>Matter ID</u> <u>Outside Counsel</u> 11.342	Plaintiff alleged damages and personal injuries following a motor vehicle collision, she states was caused due to overgrown vegetation.	Settled	\$35,000.00
Case Name: Gomez, Alex, et al., v. Evelyn Pizarro, et al.; D-202-CV-2019-06474			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation/Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 10.1057	Plaintiffs alleged personal injuries following a motor vehicle involving an APD officer.	Settled	\$93,000.00
Case Name: Jundi, Nasri Al v. City of Albuquerque; D-202-CV-2019-07917			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation/Michael D. Russell <u>Matter ID</u> <u>Outside Counsel</u> 12.350	Plaintiff alleged a transit employee closed a bus door too quickly causing him physical injuries.	Settled	\$10,000.00
Case Name: Kolessar, John v. City of Albuquerque, Melissa Lozoya and Keith Reed, CV-2019-08591			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Employment/Civil Rights/ Title VII <u>Division / Attorney:</u> Litigation/EMP/Edward J. Pennington <u>Matter ID</u> <u>Outside Counsel</u> 11.311	Complaint for alleged violation of the Whistleblower Protection Act.	Settled	\$360,000.00

Case Name: Orejel-Tovanche, Daniel Adrian v. Nathan Sweeten and City of Albuquerque; D-202-CV-2020-03639			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation/Michael D. Russell <u>Matter ID</u> <u>Outside Counsel</u> 10.1130	Plaintiff alleged personal injuries following a motor vehicle collision involving an APD officer.	Settled	\$33,750.00
Case Name: Sena, Richard v. City of Albuquerque and Los Altos Park; D-202-CV-2020-00730			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation/Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 13.102	Plaintiff alleged injuries after a "trip and fall" incident in a City park.	Settled	\$50,000.00
Case Name: Andujo, Shalene v. City of Albuquerque, D-202-CV-2019-08131			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Employment/Discrimination <u>Division / Attorney:</u> Litigation/EMP/Ian G. Stoker <u>Matter ID</u> <u>Outside Counsel</u> 22.063	Complaint alleged Discrimination based on sex and retaliation.	Settled	\$65,000.00
Case Name: Williams, Deyontae v. City of Albuquerque and Ethan Watson; D-202-CV-2021-06564			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-IPRA <u>Division / Attorney:</u> Litigation/Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 10.1364 Jonlyn Martinez	Plaintiff alleged damages pursuant to IPRA.	Settled. Settlement included settlement of associated TCN (Matter No. 10.1303)	\$60,000.00
			<u>Total Amount for January 1, 2022 to March 31, 2022: \$841,750.00</u>

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

January 1, 2022 to March 31, 2022

3rd Quarter FY22

Case Name: Arellanes, Thomas v. City of Albuquerque; D-202-CV-2020-01321			
<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 in a crosswalk.	Settled	\$7,500.00
<u>Division / Attorney:</u> Litigation/Ashlee M. Wright			
<u>Matter ID</u> <u>Outside Counsel</u> 11.320			
Case Name: Garavito, Michael v. Miguel Martinez, et al.; D-202-CV-2020-04056			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury/MVA	Plaintiff alleged damages following a motor vehicle collision.	Settled	\$1,000.00
<u>Division / Attorney:</u> Litigation/Aaron Holloman			
<u>Matter ID</u> <u>Outside Counsel</u> 11.335			
Case Name: Ramirez, Gustavo v. City of Albuquerque and Louie Velarde; D-202-CV-2021-05265			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury/MVA	Plaintiff alleged personal injury following a motorcycle accident.	Settled	\$2,250.00
<u>Division / Attorney:</u> Litigation/Kristin J. Dalton			
<u>Matter ID</u> <u>Outside Counsel</u> 12.397			

Case Name: Salazar, Anthony v. City of Albuquerque; D-202-CV-2021-06123

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-IPRA	Plaintiff alleged damages pursuant to IPRA.	Settled	\$9,500.00

Division / Attorney:
Litigation/Kristin J. Dalton

Matter ID **Outside Counsel**
10.1355

Total Amount for January 1, 2022 to March 31, 2022: \$20,250.00