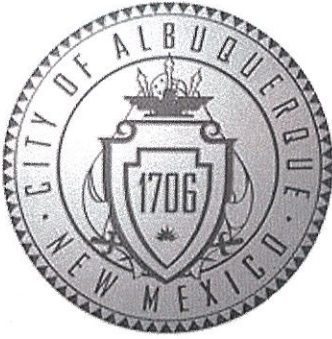


E-22-115



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

DATE: 07/20/2022

TO: Isaac Benton, President, City Council

FROM: Timothy M. Keller, Mayor

SUBJECT: Legal Department's Quarterly Litigation Report for the 3rd Quarter of FY 2022 (Greater than 10,000)

Submitted herewith to City Council is the Legal Department's Quarterly Litigation Report for the 3rd 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 3rd Quarter of FY 2022 (Greater than 10,000)

Approved:

Lawrence Rael Date
Acting Chief Administrative Officer

Approved as to Legal Form:

DocuSigned by:

Lauren Keefe
City Attorney

7/20/2022 | 11:24 AM MDT

Date

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>

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

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

Case Name: Duran, Adriana v. City of Albuquerque, et al.; D-202-CV-2020-04763			
<u>Type of Suit:</u> LIT-Tort/Personal Injury Premises Liab. <u>Division / Attorney:</u> Litigation/Aaron Holloman <u>Matter ID</u> <u>Outside Counsel</u> 11.342	<u>Synopsis of Case</u> Plaintiff alleged damages and personal injuries following a motor vehicle collision, she states was caused due to overgrown vegetation.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$35,000.00
Case Name: Gomez, Alex, et al., v. Evelyn Pizarro, et al.; D-202-CV-2019-06474			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation/Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 10.1057	<u>Synopsis of Case</u> Plaintiffs alleged personal injuries following a motor vehicle involving an APD officer.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$93,000.00
Case Name: Jundi, Nasri Al v. City of Albuquerque; D-202-CV-2019-07917			
<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> 12.350	<u>Synopsis of Case</u> Plaintiff alleged a transit employee closed a bus door too quickly causing him physical injuries.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$10,000.00
Case Name: Kolessar, John v. City of Albuquerque, Melissa Lozoya and Keith Reed, CV-2019-08591			
<u>Type of Suit:</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	<u>Synopsis of Case</u> Complaint for alleged violation of the Whistleblower Protection Act.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$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> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation/Michael D. Russell <u>Matter ID</u> <u>Outside Counsel</u> 10.1130	<u>Synopsis of Case</u> Plaintiff alleged personal injuries following a motor vehicle collision involving an APD officer.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$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> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation/Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 13.102	<u>Synopsis of Case</u> Plaintiff alleged injuries after a "trip and fall" incident in a City park.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$50,000.00
Case Name: Andujo, Shalene v. City of Albuquerque, D-202-CV-2019-08131			
<u>Type of Suit:</u> LIT-Employment/Discrimination <u>Division / Attorney:</u> Litigation/EMP/Ian G. Stoker <u>Matter ID</u> <u>Outside Counsel</u> 22.063	<u>Synopsis of Case</u> Complaint alleged Discrimination based on sex and retaliation.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$65,000.00
Case Name: Williams, Deyontae v. City of Albuquerque and Ethan Watson; D-202-CV-2021-06564			
<u>Type of Suit:</u> LIT-IPRA <u>Division / Attorney:</u> Litigation/Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 10.1364 Jonlyn Martinez	<u>Synopsis of Case</u> Plaintiff alleged damages pursuant to IPRA.	<u>Disposition</u> Settled. Settlement included settlement of associated TCN (Matter No. 10.1303)	<u>Amount Paid</u> \$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> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation/Ashlee M. Wright <u>Matter ID</u> <u>Outside Counsel</u> 11.320	<u>Synopsis of Case</u> Plaintiff alleged personal injuries following a trip and fall in a crosswalk.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$7,500.00
Case Name: Garavito, Michael v. Miguel Martinez, et al.; D-202-CV-2020-04056			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation/Aaron Holloman <u>Matter ID</u> <u>Outside Counsel</u> 11.335	<u>Synopsis of Case</u> Plaintiff alleged damages following a motor vehicle collision.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$1,000.00
Case Name: Ramirez, Gustavo v. City of Albuquerque and Louie Velarde; D-202-CV-2021-05265			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation/Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 12.397	<u>Synopsis of Case</u> Plaintiff alleged personal injury following a motorcycle accident.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$2,250.00

Case Name: Salazar, Anthony v. City of Albuquerque; D-202-CV-2021-06123			
<u>Type of Suit:</u> LIT-IPRA	<u>Synopsis of Case</u> Plaintiff alleged damages pursuant to IPRA.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$9,500.00
<u>Division / Attorney:</u> Litigation/Kristin J. Dalton			
<u>Matter ID</u> 10.1355	<u>Outside Counsel</u>		
Total Amount for January 1, 2022 to March 31, 2022: \$20,250.00			