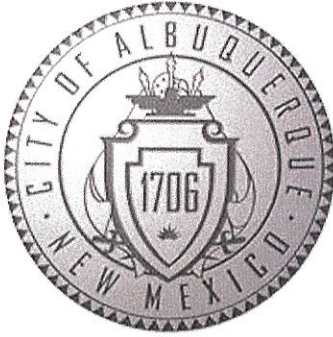


EC-22-124




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

Mayor Timothy M. Keller

**INTER-OFFICE MEMORANDUM**

DATE: 08/02/2022

**TO:** Isaac Benton, President, City Council

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

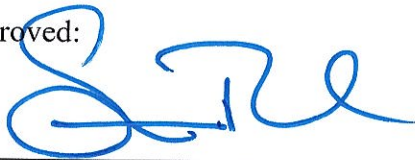
**SUBJECT:** Legal Department's Quarterly Litigation Report for the 4<sup>th</sup> Quarter of FY 2019  
(Greater than 10,000)

Submitted herewith to City Council is the Legal Department's Quarterly Litigation Report for the 4<sup>th</sup> Quarter of FY 2019 (Greater than \$10,000) as required pursuant to R.O.A. §2-8-1-5. This Quarterly Litigation Report was previously unintentionally omitted in 2019 and that omission was recently brought to the attention of the Legal Department.

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 4<sup>th</sup> Quarter of FY 2019 (Greater than 10,000)

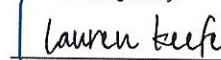
Approved:



Lawrence Rael  
Chief Administrative Officer

Approved as to Legal Form:

DocuSigned by:



Lauren Keefe  
City Attorney

8/6/2022 | 2:43 PM MDT

Date

## **Cover Analysis**

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

Legal Department's Quarterly Litigation Report for the **4th** Quarter of **FY 2019** (greater than 10,000). This Litigation Report for 4<sup>th</sup> Quarter FY19 is being submitted at this time due to having been unintentionally omitted in 2019 and that omission having recently come to the attention of the Legal Department.

### **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**

April 1, 2019 to June 30, 2019  
4<sup>th</sup> Quarter FY19

<b>Case Name: Brizzee, Mary Kay v. City of Albuquerque Code Enforcement; 1:19-cv-241 LF-JHR</b>		
<b><u>Type of Suit:</u></b> LIT-Civil Rights and Tort Claims <b><u>Division / Attorney:</u></b> Litigation/Peter Haynes <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 20.211	<b><u>Synopsis of Case</u></b> Plaintiff alleged violation of civil rights after a lien was put on her home by Code Enforcement.	<b><u>Disposition</u></b> Dismissal Granted via Motion Practice in Favor of the City (No Settlement).
<b>Case Name: Hauff, Andrea v. The City of Albuquerque, et al.; D-202-CV-2015-01392</b>		
<b><u>Type of Suit:</u></b> LIT-Negligence <b><u>Division / Attorney:</u></b> Litigation/Jessica L. Nixon <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 17.085	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injuries from an adopted cat that bit her hands and caused her hospitalization and surgery.	<b><u>Disposition</u></b> Dismissal affirmed on appeal.
<b>Case Name: Niemyjski, Tadeusz v. City of Albuquerque, et al.; 1:18-cv-01106-JAP-SCY</b>		
<b><u>Type of Suit:</u></b> LIT-Civil Rights/APD <b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.982	<b><u>Synopsis of Case</u></b> Plaintiff claimed violation of civil rights.	<b><u>Disposition</u></b> Dismissal granted in favor of City Defendants following motions practice.

<b>Case Name: Torres, Brandon v Alex Baca, et al.; D-202-CV-2018-04575</b>		
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/MVA <b><u>Division / Attorney:</u></b> Litigation/ Taylor M. Lueras <b><u>Matter ID    Outside Counsel</u></b> 11.274	<b><u>Synopsis of Case</u></b> Plaintiff claimed damages after being involved in an automobile accident alleging the Stop sign had been removed causing the accident.	<b><u>Disposition</u></b> Plaintiff Voluntarily Dismissed Claims against City with Prejudice (No Settlement).
<b>Case Name: Trujillo, Wendy L. v. Jason C. Ford, et al.; D-202-CV-2018-03979</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    Outside Counsel</u></b> 11.270	<b><u>Synopsis of Case</u></b> Plaintiff claimed injury after being involved in an automobile accident on a road with construction signs.	<b><u>Disposition</u></b> Plaintiff Voluntarily Dismissed Defendant City as Incorrect Party.

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

**April 1, 2019 to June 30, 2019**

**4<sup>th</sup> Quarter FY19**

<b>Case Name: Alderete, Charles v. City of Albuquerque; D-202-CV-2016-05511</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury <b><u>Division / Attorney:</u></b> Litigation/Jessica L. Nixon <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.240	<b><u>Synopsis of Case</u></b> Plaintiff claimed injuries alleging that a City bus driver veered to close to him while he was riding his bicycle and pushed into a concrete barrier.	<b><u>Disposition</u></b> Judgment	<b><u>Amount Paid</u></b> \$310,651.02
<b>Case Name: Blea, D'Markus and injuries sustained by Michelle Jaramillo; Tort Claims Notice</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Wrongful Death/MVA <b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.941	<b><u>Synopsis of Case</u></b> Plaintiffs claimed wrongful death and personal after they were involved in an MVA during a police pursuit.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$1,050,000.00
<b>Case Name: Castelo, Bertha v. The City of Albuquerque; D-202-CV-2018-06545</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury <b><u>Division / Attorney:</u></b> Litigation/Peter Haynes <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 13.095	<b><u>Synopsis of Case</u></b> Plaintiff claimed injury after tripping and falling while running in a tennis court of a City park.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$15,000.00

<b>Case Name: Chavez, James v. City of Albuquerque, et al.; D-202-CV-2017-01717</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> 17.120	<b><u>Synopsis of Case</u></b> Plaintiff claimed injury after being involved in a automobile accident with Solid Waste vehicle.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$65,000.00
<b>Case Name: Cruz, Christopher v. City of Albuquerque, a New Mexico municipality, Jodi Gonterman, in her individual capacity; D-202-CV-2017-03530</b>			
<b><u>Type of Suit:</u></b> LIT-Civil Rights and Tort Claims <b><u>Division / Attorney:</u></b> Litigation/Stephanie M. Griffin <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.891	<b><u>Synopsis of Case</u></b> Plaintiff claimed violation of his civil rights after being arrested and incarcerated for a murder charge.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$200,000.00
<b>Case Name: Dennis, Sidney v. City of Albuquerque; D-202-CV-2018-09246</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury <b><u>Division / Attorney:</u></b> Litigation/Stephanie M. Griffin <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.286	<b><u>Synopsis of Case</u></b> Plaintiff alleged personal injury and property damage after falling into a "hole" covered by fiberboard while operating his motorized wheelchair.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$15,000.00
<b>Case Name: Formosa, Mary Ann v City of Albuquerque and John Does 1-10; D-202-CV-2018-03685</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury <b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 33.052	<b><u>Synopsis of Case</u></b> Plaintiff claimed injury after tripping and falling in a hole in the ground at a City venue.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$65,000.00

<b>Case Name: Foster, Carl G., v. City of Albuquerque; D-202-CV-2019-04117</b>			
<b>Type of Suit:</b> LIT-IPRA <b>Division / Attorney:</b> Litigation/Audrey K. McKee <b>Matter ID</b> <b>Outside Counsel</b> 10.1019	<b>Synopsis of Case</b> Plaintiff alleged violations of the Inspection of Public Records Act and Open Meetings Act.	<b>Disposition</b> Settled	<b>Amount Paid</b> \$35,000.00
<b>Case Name: Garcia, John and Elisabeth Hall v. Justin Duran and City of Albuquerque; D-202-CV-2017-08653</b>			
<b>Type of Suit:</b> LIT-Tort/Personal Injury <b>Division / Attorney:</b> Litigation/Kristin J. Dalton <b>Matter ID</b> <b>Outside Counsel</b> 12.297	<b>Synopsis of Case</b> Plaintiffs claimed injury while riding as passengers in a City bus involved in an auto accident.	<b>Disposition</b> Settled	<b>Amount Paid</b> \$40,000.00
<b>Case Name: Garcia, Loretta, as mother and next friend of Rodrigo Garcia v City of Albuquerque, et al.; D-202-CV-2018-04075</b>			
<b>Type of Suit:</b> LIT-Civil Rights and Tort Claims <b>Division / Attorney:</b> Litigation/Stephanie M. Griffin <b>Matter ID</b> <b>Outside Counsel</b> 10.960	<b>Synopsis of Case</b> Plaintiff claimed damages from a fatal shooting involving APD.	<b>Disposition</b> Settled	<b>Amount Paid</b> \$3,750,000.00
<b>Case Name: Jolin, Thomas and Margaret Chapman v. Thomas Jonas and City of Albuquerque; D-202-CV-2017-01805</b>			
<b>Type of Suit:</b> LIT-Tort/Personal Injury/MVA <b>Division / Attorney:</b> Litigation/Kristin J. Dalton <b>Matter ID</b> <b>Outside Counsel</b> 12.275	<b>Synopsis of Case</b> Plaintiffs claimed injury after being involved in a auto accident with a City vehicle.	<b>Disposition</b> Settled	<b>Amount Paid</b> \$47,500.00

<b>Case Name: Pacheco, Orlando and Tito Pacheco, Jr., Individually, as Co-Personal Representatives of the Estate of Tito Pacheco, deceased; and as Co-Guardian of Jade Pacheco and Nathan Pacheco, Minors v. City of Albuquerque, John Does 1-10 and Jane Does 1-10, Individually; 17CV1005 MV-LF</b>			
<b><u>Type of Suit:</u></b> LIT-Civil Rights and Tort Claims <b><u>Division / Attorney:</u></b> Litigation/Stephanie M. Griffin <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.922	<b><u>Synopsis of Case</u></b> Plaintiffs claimed damages after Tito Pacheco was killed in an automobile accident involving APD.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$500,000.00
<b>Case Name: Ralph Basila Produce Co., Inc. d/b/a Farmers Market, by and through Joanne Browne v. COA &amp; Mayor Keller; D-202-CV-2018-08521</b>			
<b><u>Type of Suit:</u></b> RELU-Litigation <b><u>Division / Attorney:</u></b> RELU-Litigation <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 38.191	<b><u>Synopsis of Case</u></b>	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$40,000.00
<b>Case Name: Sandoval, Dale v City of Albuquerque, and JJW, Inc., d/b/a The Fitness Superstore; D-202-CV-2017-04385</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury <b><u>Division / Attorney:</u></b> Litigation/Peter Haynes <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 13.090	<b><u>Synopsis of Case</u></b> Plaintiff claimed injuries from an incident involving a piece of exercise equipment at a City Community Center.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$38,000.00
<b>Case Name: Stormont, Rachel v Jeffrey Wharton and City of Albuquerque; D-202-CV-2018-05163</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/MVA <b><u>Division / Attorney:</u></b> Litigation/Stephanie M. Griffin <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.973	<b><u>Synopsis of Case</u></b> Plaintiff claimed injuries after being involved in a automobile accident involving a police cruiser.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$65,000.00

<b>Case Name: Torrez, Petronilo v Ricardo Gonzales, individually and as agent and employee of the City of Albuquerque, and the City of Albuquerque; D-202-CV-2018-02071</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury <b><u>Division / Attorney:</u></b> Litigation/Stephanie M. Griffin <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.299	<b><u>Synopsis of Case</u></b> Plaintiff claimed injury after being involved in a accident while riding as a passenger on a City bus.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$50,000.00
<b>Case Name: Trujillo, Corrine v. Delilah Ortega and City of Albuquerque; D-202-CV-2018-05767</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/MVA <b><u>Division / Attorney:</u></b> Litigation/Peter Haynes <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.311	<b><u>Synopsis of Case</u></b> Plaintiff claimed injury from an accident involving a City bus in which she was a passenger in another vehicle.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$21,500.00
<b>Case Name: Vela, Tony v Jesus Raygoza-Ibarra, et al; D-202-CV-2018-07564</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury <b><u>Division / Attorney:</u></b> Litigation/Stephanie M. Griffin <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.317	<b><u>Synopsis of Case</u></b> Plaintiff claimed injury from accident that happened while he was a passenger on a City bus.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$10,000.00
<b>Total Amount for April 1, 2019 to June 30, 2019: \$6,317,651.02</b>			

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT**  
**SETTLEMENTS AND JUDGMENTS LESS THAN \$10,000.00**  
**April 1, 2019 to June 30, 2019**  
**4<sup>th</sup> Quarter FY19**

<b>Case Name: Dominguez, Ildefonso, et al., v. Albuquerque Bernalillo County Water Authority, et al.; D-202-CV-2017-08214</b>			
<b><u>Type of Suit:</u></b>	<b><u>Synopsis of Case</u></b>	<b><u>Disposition</u></b>	<b><u>Amount Paid</u></b>
LIT-Tort/Property Damages	Plaintiffs alleged property damage due to a water	Settled	\$3,000.00
<b><u>Division / Attorney:</u></b>	main break near their home.		
Litigation/Peter Haynes			
<b><u>Matter ID</u></b>	<b><u>Outside Counsel</u></b>		
11.253			
<b>Total Amount for April 1, 2019 to June 30, 2019: \$3,000.00</b>			