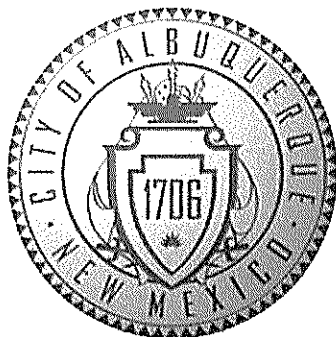


EC-22-136



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

Mayor Timothy M. Keller

**INTER-OFFICE MEMORANDUM**

DATE: 08/29/2022

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

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

**SUBJECT:** Legal Department's Quarterly Litigation Report for the 1<sup>st</sup> Quarter of FY 2021  
(Greater than 10,000)

Submitted herewith to City Council is the Legal Department's Quarterly Litigation Report for the 1<sup>st</sup> Quarter of FY 2021 (Greater than \$10,000) as required pursuant to R.O.A. §2-8-1-5. This Litigation Report for 1st Quarter FY21 is being submitted at this time due to having been unintentionally omitted in 2021.

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 1<sup>st</sup> Quarter of FY 2021 (Greater than 10,000)

Approved:

Lawrence Rael  
Chief Administrative Officer

Approved as to Legal Form:

DocuSigned by:  
  
Lauren Keefe  
City Attorney

8/29/2022 | 9:33 AM MDT

Date

## **Cover Analysis**

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

Legal Department's Quarterly Litigation Report for the 1st Quarter of FY 2021 (greater than 10,000). This Litigation Report for 1st Quarter FY21 is being submitted at this time due to having been unintentionally omitted in 2021.

### **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**

**July 1, 2020 to September 30, 2020**

**1<sup>st</sup> Quarter FY21**

<b>Case Name: Harshfield, Tanya et al v. Gregory Piskiel, et al, D-202-CV-2018-02618</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury	<b><u>Synopsis of Case</u></b> Plaintiff claims injury from an automobile accident alleging trees and shrubs hid the stop sign and contributed to the accident.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$25,000.00
<b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.265			
<b>Case Name: Stevenson, Terricia A., as Guardian ad Litem and Conservator of Majestic Howard, Jr., and Karisma Strong v City of Albuquerque, et al., CIV-17-0855 JB/LF</b>			
<b><u>Type of Suit:</u></b> LIT-Civil Rights and Tort Claims	<b><u>Synopsis of Case</u></b> Plaintiff claims injury and violation of civil rights after being apprehended by APD officers.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$42,500.00
<b><u>Division / Attorney:</u></b> Litigation/Stephanie M. Griffin <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.908			
<b>Case Name: Chavez, Reynaldo L. v. City of Albuquerque, et al., CV-2016-00086</b>			
<b><u>Type of Suit:</u></b> LIT-Employment/Breach of Contract	<b><u>Synopsis of Case</u></b> Complaint alleging violation of the Whistleblower Protection Act and breach of contract.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$75,000.00
<b><u>Division / Attorney:</u></b> Litigation/EMP/Samantha M. Hults <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.796      Deborah Wells			

**Case Name: Vargas, Erica v. Julius Glenn Martinez, et al.; D-202-CV-2019-04611**

<u><b>Type of Suit:</b></u>	<u><b>Synopsis of Case</b></u>	<u><b>Disposition</b></u>	<u><b>Amount Paid</b></u>
LIT-Tort/Personal Injury/MVA	Plaintiff alleges negligence and personal injuries following a motor vehicle accident involving a City bus.	Settled	\$46,000.00

**Division / Attorney:**

Litigation/Audrey K. McKee

**Matter ID   Outside Counsel**

12.345

**Total Amount for July 1, 2020 to September 30, 2020: \$188,500.00**

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT**  
**SETTLEMENTS AND JUDGMENTS LESS THAN \$10,000.00**  
**July 1, 2020 to September 30, 2020**  
**1<sup>st</sup> Quarter FY21**

<b>Case Name: Keeth, Ian v. City of Albuquerque, et al.; D-202-CV-2019-08369</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/Premises Liability	<b><u>Synopsis of Case</u></b> Plaintiff alleges personal injuries following a trip and fall over a guy wire in a City park.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$1,000.00
<b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 13.100			
<b>Case Name: Vigil, Maricka R., v. United States of America, and City of Albuquerque; 1:19-cv-00429-JB-JHR</b>			
<b><u>Type of Suit:</u></b> LIT-Negligence	<b><u>Synopsis of Case</u></b> Plaintiff alleges negligence and personal injuries following a motor vehicle accident involving a City employee.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$500.00
<b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.295			
<b>Total Amount for July 1, 2020 to September 30, 2020: \$1,500.00</b>			

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT**  
**CITY VICTORIES**  
**July 1, 2020 to September 30, 2020**  
**1<sup>st</sup> Quarter FY21**

<b>Case Name: Barnett, Deborah v. City of Albuquerque; D-202-CV-2019-04348</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury	<b><u>Synopsis of Case</u></b> Plaintiff alleges personal injuries following a trip and fall.	<b><u>Disposition</u></b> Case was tendered by City's counsel; tender was accepted	<b><u>Amount Paid</u></b> \$0.00
<b><u>Division / Attorney:</u></b> Litigation/Audrey K. McKee <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.299			
<b>Case Name: Caouette, Daniel v. City of Albuquerque, et al.; D-506-CV-2020-00530</b>			
<b><u>Type of Suit:</u></b> LIT-IPRA	<b><u>Synopsis of Case</u></b> Plaintiff alleges damages pursuant to IPRA.	<b><u>Disposition</u></b> Dismissal Granted in Favor of City via Motions Practice	<b><u>Amount Paid</u></b> \$0.00
<b><u>Division / Attorney:</u></b> Litigation/Aaron Holloman <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.1115			
<b>Case Name: Christoffel, Steven v. City of Albuquerque, et al.; D-202-CV-2020-01727</b>			
<b><u>Type of Suit:</u></b> Litigation (General)	<b><u>Synopsis of Case</u></b> Plaintiff alleges fraud against the taxpayers.	<b><u>Disposition</u></b> Dismissal in favor of City following Motions Practice	<b><u>Amount Paid</u></b> \$0.00
<b><u>Division / Attorney:</u></b> Litigation/Michael D. Russell <b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 20.224   Jason M. Burnette			

**Case Name: Guardado, Stella v. ARCA v. City of Albuquerque; D-202-CV-2019-03759**

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury	Third Party Complaint against City of Albuquerque filed in a personal injury matter where Plaintiff alleged personal injury due to uneven pavement.	Dismissed against City upon agreement of parties	\$0.00
<b><u>Division / Attorney:</u></b> Litigation/Aaron Holloman			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.301			

**Case Name: Montoya, Cathy, et al., v. Albuquerque Public Schools, et al.; D-202-CV-2019-00989**

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury	Plaintiffs allege personal injury and loss of consortium following a trip and fall on uneven sidewalk.	Case was tendered by City's counsel; tender was accepted	\$0.00
<b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.288			