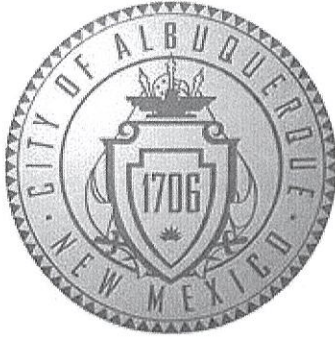


EC-22-144

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor



Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

DATE: 08/31/2022

TO: Isaac Benton, President, City Council

FROM: Timothy M. Keller, Mayor *TK*

SUBJECT: Legal Department's Quarterly Litigation Report for the 4<sup>th</sup> Quarter of FY 2022 (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 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 4<sup>th</sup> Quarter of FY 2022 (Greater than 10,000)

Approved:

*LR*

Lawrence Rael  
Chief Administrative Officer

Approved as to Legal Form:

DocuSigned by:  
*Lauren Keefe* 9/6/2022 | 8:41 AM MDT  
Lauren Keefe  
City Attorney

## Cover Analysis

**1. What is it?**

Legal Department's Quarterly Litigation Report for the **4th** 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**  
**April 1, 2022 to June 30, 2022**  
**4<sup>th</sup> Quarter FY22**

<b>Case Name: Sabeerin, Boback, Michelle Roybal, J.R., S.S. v. Albuquerque Police Department, et al.; 1-16-CV-00497</b>		
<b>SCY/LF</b>		
<b><u>Type of Suit:</u></b> LIT-Civil Rights and Tort Claims	<b><u>Synopsis of Case</u></b> Plaintiff alleged unlawful search and seizure, false arrest, false imprisonment, abuse of process, due process, loss of consortium.	<b><u>Disposition</u></b> Mandate issued affirming District Court Judgment.
<b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton		
<b><u>Matter ID</u></b> 10.825	<b><u>Outside Counsel</u></b>	

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

**April 1, 2022 to June 30, 2022**

**4<sup>th</sup> Quarter FY22**

<b>Case Name: Sena, Leola v. City of Albuquerque; D-202-CV-2020-05477</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-Employment/Discrimination <b><u>Division / Attorney:</u></b> Litigation/EMP	Complaint alleged discrimination and retaliation on the basis of age and disability.	Settled	\$17,500.00
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 22.067            Andrea Robeda			
<b>Case Name: Ford, Terry v. City of Albuquerque and Lorenzo J. Pino; D-202-CV-2021-01637</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/Personal Injury/MVA <b><u>Division / Attorney:</u></b> Litigation/Aaron Holloman	Plaintiff alleged personal injuries following a bicycle versus City bus motor vehicle collision.	Settled	\$27,500.00
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.391			
<b>Case Name: In the Matter of the Estate of Manuel Martin Tapia, Deceased captioned as McDonald et. al v. Ramirez et. al.; D-202-CV-2019-06610</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-Civil Rights/APD <b><u>Division / Attorney:</u></b> Litigation/Stephanie M. Griffin	Plaintiffs claimed damages for minor child's death after being hit by a vehicle involved in a police pursuit.	Settled	\$750,000.00
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.1041			
<b>Case Name: Kimbrough, Monica v. City of Albuquerque, et al.; D-202-CV-2020-02741</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/Personal Injury/MVA <b><u>Division / Attorney:</u></b> Litigation/Aaron Holloman	Plaintiff alleged personal injuries following a pedestrian versus bus accident.	Settled	\$75,000.00
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.366			

<b>Case Name: Lopez, Leonard v. Elaine Manzanares and City of Albuquerque; D-202-CV-2021-05634</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/Personal Injury/MVA	Plaintiff alleged personal injury following MVA	Settled	\$27,500.00
<b><u>Division / Attorney:</u></b> Litigation/Ashlee M. Wright			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 12.403			
<b>Case Name: Martinez, Derrick v. City of Albuquerque and Ethan Watson; D-202-CV-2022-00674</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-IPRA	Plaintiff alleged damages pursuant to IPRA.	Settled	\$55,000.00
<b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.1413			
<b>Case Name: Meyers, Kristine v. City of Albuquerque, et al.; D-202-CV-2020-05700</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/Personal Injury/Premises Liab.	Plaintiff alleged personal injuries following a trip and fall incident.	Settled	\$10,000.00
<b><u>Division / Attorney:</u></b> Litigation/Aaron Holloman			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.348			
<b>Case Name: Michael Burk, and Randy Sanchez v. City of Albuquerque; D-202-CV-2019-04003</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-Employment/Discrimination	Complaint for civil damages alleging violation of the NM Human Rights Act and the NM Whistleblower Protection Act.	Settled	\$50,000.00
<b><u>Division / Attorney:</u></b> Litigation/EMP/ Edward J. Pennington			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.297			

<b>Case Name: Randy Sanchez, v. City of Albuquerque; D-202-CV-2021-02281</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-Employment/Discrimination	Complaint for civil damages.	Settled	\$25,000.00
<b><u>Division / Attorney:</u></b>			
Litigation/EMP/ Edward J. Pennington			
<b><u>Matter ID</u>   <u>Outside Counsel</u></b>			
11.362			
<b>Case Name: Rubi, Mary D., v. City of Albuquerque and John Doe(s); D-202-CV-2021-04741</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/Personal Injury	Plaintiff alleges personal injuries she claims occurred while she was exiting a City bus.	Settled	\$350,000.00
<b><u>Division / Attorney:</u></b>			
Litigation/Kristin J. Dalton			
<b><u>Matter ID</u>   <u>Outside Counsel</u></b>			
12.396			
<b>Case Name: Stephanie Chavez, v. City of Albuquerque; D-202-CV-2020-05096</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-Employment/Civil Rights/ Title VII	Complaint alleging medical condition/disability-based discrimination.	Settled	\$10,000.00
<b><u>Division / Attorney:</u></b>			
Litigation/EMP/ Edward J. Pennington			
<b><u>Matter ID</u>   <u>Outside Counsel</u></b>			
10.1173			
<b>Case Name: Westlund, Jennifer v. Virginian Apartments, L.L.C., The Jack Stahl Company, L.L.C., &amp; The City of Albuquerque; D-202-CV-2016-06142</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/Personal Injury	Plaintiff claimed injuries after tripping and falling on uneven concrete.	Settled	\$50,000.00
<b><u>Division / Attorney:</u></b>			
Litigation/Kristin J. Dalton			
<b><u>Matter ID</u>   <u>Outside Counsel</u></b>			
11.229			
<b>Total Amount for April 1, 2022 to June 30, 2022: \$1,447,500.00</b>			