



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

**EC-19-463**

Mayor Tim Keller

**INTER-OFFICE MEMORANDUM**

August 22, 2019

**TO:** Councilor Klarissa J. Peña, President, City Council


**FROM:** Tim Keller, Mayor 

**SUBJECT:** Amended Legal Department's Quarterly Litigation Report for the 1<sup>st</sup> Quarter of FY 2019 (greater than 10,000)


Submitted herewith to City Council is the **Amended** Legal Department's Quarterly Litigation Report for the 1<sup>st</sup> Quarter of FY 2019 (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 and information.

Approved:

  
\_\_\_\_\_  
Sarita Nair                      Date  
Chief Administrative Officer

Approved as to Legal Form:

  
\_\_\_\_\_  
for Samantha Hults                      Date  
Deputy City Attorney

## Cover Analysis

### 1. What is it?

**Amended** Legal Department's Quarterly Litigation Report for the 1<sup>st</sup> Quarter of **FY 2019**  
(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.

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT  
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000**

July 1, 2018 to September 30, 2018

1st Quarter FY19

|   |  |                               |                                     |
|---|--|-------------------------------|-------------------------------------|
| <b>Case Name: Adler, Diane Zoe v City of Albuquerque, D-202-CV-2017-06544</b>   |  |                               |                                     |
| <b>Type of Suit:</b><br>LIT-Tort/Personal Injury<br><b>Division / Attorney:</b><br>Litigation / Peter Haynes<br><b>Matter ID    Outside Counsel</b><br>11.247         | <b>Synopsis of Case</b><br>Plaintiff, an 81 year old female, claims injury after tripping and falling on a crack in the crosswalk which resulted in wrist surgery and dental work. | <b>Disposition</b><br>Settled | <b>Amount Paid</b><br>\$ 125,000.00 |
| <b>Case Name: Barker, Shileen v. Richard Locke, an individual and employee; and City of Albuquerque, a governmental entity, CV-2016-03380</b>                         |  |                               |                                     |
| <b>Type of Suit:</b><br>LIT-Tort/Personal Injury<br><b>Division / Attorney:</b><br>Litigation / Jessica L. Nixon<br><b>Matter ID    Outside Counsel</b><br>10.829     | <b>Synopsis of Case</b><br>Defendant alleges injuries from an automobile accident involving Richard Locke and the police unit he was driving.                                      | <b>Disposition</b><br>Settled | <b>Amount Paid</b><br>\$ 10,000.00  |
| <b>Case Name: Butler, Melanie v. Phillip Torres, individually and as agent and employee of the City of Albuquerque, and the City of Albuquerque,</b>                  |  |                               |                                     |
| <b>Type of Suit:</b><br>LIT-Tort/Personal Injury/MVA<br><b>Division / Attorney:</b><br>Litigation / Jessica L. Nixon<br><b>Matter ID    Outside Counsel</b><br>12.262 | <b>Synopsis of Case</b><br>Plaintiff claims injury after being struck from behind by City Rapid Ride bus.  | <b>Disposition</b><br>Settled | <b>Amount Paid</b><br>\$ 30,000.00  |
| <b>Case Name: Chavez, Lisa S. v. City of Albuquerque, CV-2017-00995</b>   |  |                               |                                     |
| <b>Type of Suit:</b><br>LIT-Tort/Personal Injury<br><b>Division / Attorney:</b><br>Litigation / Kristin J. Dalton<br><b>Matter ID    Outside Counsel</b><br>11.242    | <b>Synopsis of Case</b><br>Plaintiff claims injury after falling off of her bike after hitting uneven concrete on sidewalk.  | <b>Disposition</b><br>Settled | <b>Amount Paid</b><br>\$ 25,000.00  |

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT  
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000**

July 1, 2018 to September 30, 2018

1st Quarter FY19

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|---|---|--|-------------------------------------|
| <b>Case Name: Corvino, John v. City of Albuquerque et al., CV-2015-03865</b>              |   |  |                                     |
| <b>Type of Suit:</b><br>LIT-Employment/Civil Rights/Title VII                             | <b>Synopsis of Case</b><br>Complaint filed alleging violation of the New Mexico Whistleblower protection Act.   | <b>Disposition</b><br>Settled.<br>Dismissed with Prejudice | <b>Amount Paid</b><br>\$ 105,000.00 |
| <b>Division / Attorney:</b><br>Litigation/EMP / Ian G. Stoker                             |   |  |                                     |
| <b>Matter ID</b> <b>Outside Counsel</b><br>10.721   |   |  |                                     |
| <b>Case Name: Edney, Lynn v. City of Albuquerque, CV-2017-02943</b>                       |   |  |                                     |
| <b>Type of Suit:</b><br>LIT-Tort/Personal Injury  | <b>Synopsis of Case</b><br>Plaintiff claims injury after a bike incident on a bicycle path maintained by the City of Albuquerque.   | <b>Disposition</b><br>Settled                              | <b>Amount Paid</b><br>\$ 40,000.00  |
| <b>Division / Attorney:</b><br>Litigation / Kristin J. Dalton                             |   |  |                                     |
| <b>Matter ID</b> <b>Outside Counsel</b><br>11.243   |   |  |                                     |
| <b>Case Name: Gabaldon, Danan v. The City of Albuquerque, et al., D-202-CV 2017-03942</b> |   |  |                                     |
| <b>Type of Suit:</b><br>LIT-Civil Rights/APD  | <b>Synopsis of Case</b><br>Plaintiff alleges damages for negligence by the Albuquerque Police Department resulting in battery, excessive force, and violations of his civil rights. | <b>Disposition</b><br>Settled                              | <b>Amount Paid</b><br>\$ 75,000.00  |
| <b>Division / Attorney:</b><br>Litigation / Stephanie M. Griffin                          |   |  |                                     |
| <b>Matter ID</b> <b>Outside Counsel</b><br>10.900   |   |  |                                     |
| <b>Case Name: Lemar Rogers v. City of Albuquerque, et al., CV-2016-04488</b>              |   |  |                                     |
| <b>Type of Suit:</b><br>LIT-Employment/Civil Rights/Title VII                             | <b>Synopsis of Case</b><br>Appeal of the determination of the NM Human Rights Bureau and complaint for violations of the NM Human Rights Act and wrongful discharge.                | <b>Disposition</b><br>This matter has settled.             | <b>Amount Paid</b><br>\$ 23,000.00  |
| <b>Division / Attorney:</b><br>Litigation/EMP / Ian G. Stoker                             |   |  |                                     |
| <b>Matter ID</b> <b>Outside Counsel</b><br>17.113      Desiree D. Gurule                  |   |  |                                     |

# LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT

## SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000

July 1, 2018 to September 30, 2018

1st Quarter FY19

|   |   |  |                                    |
|---|---|--|------------------------------------|
| <b>Case Name:</b> Leslie, Lidia v. Patrick Casias, et al; CV 2017-04221   |   |  |                                    |
| <b>Type of Suit:</b><br>LIT-Tort/Personal Injury/MVA  | <b>Synopsis of Case</b><br>Plaintiff alleges she suffered personal injuries due to a motor vehicle accident involving an Albuquerque Police Department Officer. Plaintiff further alleges a violation of the New Mexico Inspection of Public Records Act. | <b>Disposition</b><br>Settled                  | <b>Amount Paid</b><br>\$ 85,000.00 |
| <b>Division / Attorney:</b><br>Litigation / Michael E. Fondino  |   |  |                                    |
| <b>Matter ID</b> <b>Outside Counsel</b><br>10.899   |   |  |                                    |
| <b>Case Name:</b> Lujan v. City of Albuquerque, et al., CV-2015-08983   |   |  |                                    |
| <b>Type of Suit:</b><br>LIT-Employment/Declaratory, Injunctive R  | <b>Synopsis of Case</b><br>Complaint alleging a failure to promote and requesting injunctive relief.  | <b>Disposition</b><br>This matter has settled. | <b>Amount Paid</b><br>\$ 65,000.00 |
| <b>Division / Attorney:</b><br>Litigation/EMP / Samantha M. Hults   |   |  |                                    |
| <b>Matter ID</b> <b>Outside Counsel</b><br>10.785    Elizabeth German   |   |  |                                    |
| <b>Case Name:</b> Martinez, Eugene and Laura, Individually and as next friends of Abigail and Audra Martinez v. City of Albuquerque, CV-2016-4451     |   |  |                                    |
| <b>Type of Suit:</b><br>Litigation (General)  | <b>Synopsis of Case</b><br>Plaintiff alleges negligence by the City of Albuquerque for failure to maintain intersection near home where a car crashed into the Plaintiffs' home.  | <b>Disposition</b><br>Settled                  | <b>Amount Paid</b><br>\$ 35,000.00 |
| <b>Division / Attorney:</b><br>Litigation / Michael E. Fondino  |   |  |                                    |
| <b>Matter ID</b> <b>Outside Counsel</b><br>11.218   |   |  |                                    |
| <b>Case Name:</b> Martza, Myrio and Joann Yatsayte, as parent and guardian of Shyenne Martza, a minor v. Daniel Yurcisin and the City of Albuquerque, |   |  |                                    |
| <b>Type of Suit:</b><br>LIT-Tort/Property Damages/MVA   | <b>Synopsis of Case</b><br>Plaintiffs claim injury after being struck on their motorcycle in a parking lot by an officer driving an APD vehicle.  | <b>Disposition</b><br>Settled                  | <b>Amount Paid</b><br>\$ 10,474.21 |
| <b>Division / Attorney:</b><br>Litigation / Michael E. Fondino  |   |  |                                    |
| <b>Matter ID</b> <b>Outside Counsel</b><br>10.884   |   |  |                                    |

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT  
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000**

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1st Quarter FY19

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|---|---|-------------------------------|-------------------------------------|
| <b>Case Name: Mendoza-Dominguez, Oscar v Carlos Steffy and City of Albuquerque, CV-2018-02032</b>                                       |   |                               |                                     |
| <b>Type of Suit:</b><br>LIT-Tort/Personal Injury  | <b>Synopsis of Case</b><br>Plaintiff claims injury after being involved in an automobile accident involving a City vehicle. | <b>Disposition</b><br>Settled | <b>Amount Paid</b><br>\$ 11,000.00  |
| <b>Division / Attorney:</b><br>Litigation / Jessica L. Nixon  |   |                               |                                     |
| <b>Matter ID Outside Counsel</b><br>17.131  |   |                               |                                     |
| <b>Case Name: Mirabal, Alice v City of Albuquerque, CV-2016-05105</b>   |   |                               |                                     |
| <b>Type of Suit:</b><br>LIT-Tort/Personal Injury  | <b>Synopsis of Case</b><br>Plaintiff claims injury after tripping in a pothole.   | <b>Disposition</b><br>Settled | <b>Amount Paid</b><br>\$ 22,500.00  |
| <b>Division / Attorney:</b><br>Litigation / Jessica L. Nixon  |   |                               |                                     |
| <b>Matter ID Outside Counsel</b><br>11.239  |   |                               |                                     |
| <b>Case Name: Montgomery, Joan v. City of Albuquerque and JAEB Restaurant Holdings., d/b/a Wendy's Store #4883; D-202-CV-2017-01743</b> |   |                               |                                     |
| <b>Type of Suit:</b><br>LIT-Tort/Personal Injury  | <b>Synopsis of Case</b><br>Plaintiff claims injury after tripping on a raised portion of sidewalk                           | <b>Disposition</b><br>Settled | <b>Amount Paid</b><br>\$ 100,000.00 |
| <b>Division / Attorney:</b><br>Litigation / Stephanie M. Griffin  |   |                               |                                     |
| <b>Matter ID Outside Counsel</b><br>11.235  |   |                               |                                     |
| <b>Case Name: Parra, Julianna vs. City of Albuquerque and Richard Martinez, D-202-CV-2017-05589</b>                                     |   |                               |                                     |
| <b>Type of Suit:</b><br>LIT-Tort/Personal Injury/MVA  | <b>Synopsis of Case</b><br>Plaintiff claims injury after being involved in an accident involving a City bus.                | <b>Disposition</b><br>Settled | <b>Amount Paid</b><br>\$ 42,500.00  |
| <b>Division / Attorney:</b><br>Litigation / Peter Haynes  |   |                               |                                     |
| <b>Matter ID Outside Counsel</b><br>12.277  |   |                               |                                     |

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT  
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000**

July 1, 2018 to September 30, 2018

1st Quarter FY19

|  |  |                    |                    |
|--|--|--------------------|--------------------|
| <b>Case Name: Pettingill, Tyler v. City of Albuquerque, CV-2017-00168</b>  |  |                    |                    |
| <b>Type of Suit:</b>   | <b>Synopsis of Case</b>  | <b>Disposition</b> | <b>Amount Paid</b> |
| LIT-Tort/Personal Injury   | Plaintiff alleges injury after losing his balance on his scooter on the sidewalk and falling into arroyo | Settled            | \$ 575,000.00      |
| <b>Division / Attorney:</b>  |  |                    |                    |
| Litigation / Michael E. Fondino  |  |                    |                    |
| <b>Matter ID    Outside Counsel</b>  |  |                    |                    |
| 13.087   |  |                    |                    |
| <b>Case Name: Ramani, Gail and Kris Ramani v. City of Albuquerque, et al., D-202-CV-2016-01466</b>                         |  |                    |                    |
| <b>Type of Suit:</b>   | <b>Synopsis of Case</b>  | <b>Disposition</b> | <b>Amount Paid</b> |
| LIT-Tort/Personal Injury/MVA   | Plaintiffs allege injury from an automobile accident involving a Solid Waste vehicle.                    | Settled            | \$ 50,000.00       |
| <b>Division / Attorney:</b>  |  |                    |                    |
| Litigation / Jessica L. Nixon  |  |                    |                    |
| <b>Matter ID    Outside Counsel</b>  |  |                    |                    |
| 17.110   |  |                    |                    |
| <b>Case Name: Stephanie Chavez v. City of Albuquerque ex-rel., Albuquerque Police Department and Javier Urban</b>          |  |                    |                    |
| <b>Type of Suit:</b>   | <b>Synopsis of Case</b>  | <b>Disposition</b> | <b>Amount Paid</b> |
| LIT-IPRA   | IPRA enforcement   | Settled            | \$ 28,000.00       |
| <b>Division / Attorney:</b>  |  |                    |                    |
| Litigation / Kristin J. Dalton   |  |                    |                    |
| <b>Matter ID    Outside Counsel</b>  |  |                    |                    |
| 10.911   |  |                    |                    |
| <b>Case Name: Thompson Bruce, guardian ad litem for A.O., J.P., and G.G. v. City of Albuquerque, et al., CV-2014-03843</b> |  |                    |                    |
| <b>Type of Suit:</b>   | <b>Synopsis of Case</b>  | <b>Disposition</b> | <b>Amount Paid</b> |
| LIT-Tort/Wrongful Death  | Officer involved shooting.   | settled            | \$ 375,000.00      |
| <b>Division / Attorney:</b>  |  |                    |                    |
| Litigation / Stephanie M. Griffin  |  |                    |                    |
| <b>Matter ID    Outside Counsel</b>  |  |                    |                    |
| 10.559   |  |                    |                    |

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT  
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000**

July 1, 2018 to September 30, 2018

1st Quarter FY19

|   |   |   |                                     |
|---|---|---|-------------------------------------|
| <b>Case Name: Van Ert, Camille and Levon v. City of Albuquerque and Joelle M. Martinez, D-202-CV-2017-08314</b> |   |   |                                     |
| <b>Type of Suit:</b><br>LIT-Tort/Personal Injury/MVA  | <b>Synopsis of Case</b><br>Plaintiffs claim injury after being involved in an auto accident involving a City bus. | <b>Disposition</b><br>Settled -<br>Distributed to 2<br>plaintiffs | <b>Amount Paid</b><br>\$ 20,000.00  |
| <b>Division / Attorney:</b><br>Litigation / Peter Haynes  |   |   |                                     |
| <b>Matter ID    Outside Counsel</b><br>12.291   |   |   |                                     |
| <b>Case Name: Villarreal, Nubia v. City of Albuquerque, et al.; D-202-CV-2018-00888</b>                         |   |   |                                     |
| <b>Type of Suit:</b><br>LIT-Civil Rights and Tort Claims  | <b>Synopsis of Case</b><br>Plaintiff alleges personal injury, false imprisonment, battery, and false arrest.      | <b>Disposition</b><br>Settled                                     | <b>Amount Paid</b><br>\$ 28,000.00  |
| <b>Division / Attorney:</b><br>Litigation / Peter Haynes  |   |   |                                     |
| <b>Matter ID    Outside Counsel</b><br>10.939      Jonlyn M. Martinez   |   |   |                                     |
| <b>Case Name: Welch, Terysa M. v. City of Albuquerque, et al., CV-2011-06829</b>                                |   |   |                                     |
| <b>Type of Suit:</b><br>LIT-Employment/Civil Rights/Title VII   | <b>Synopsis of Case</b><br>Plaintiff alleges disparate treatment based on gender, retaliation and conspiracy.     | <b>Disposition</b><br>This matter has<br>settled.                 | <b>Amount Paid</b><br>\$ 150,000.00 |
| <b>Division / Attorney:</b><br>Litigation/EMP / Samantha M. Hults   |   |   |                                     |
| <b>Matter ID    Outside Counsel</b><br>10.154      Paula I. Forney  |   |   |                                     |
| <b>Case Name: Wood, Michelle Swib v. City of Albuquerque, CV-2017-01395</b>                                     |   |   |                                     |
| <b>Type of Suit:</b><br>LIT-Tort/Personal Injury  | <b>Synopsis of Case</b><br>Plaintiff claims injury after tripping on a sidewalk curb at a crosswalk.              | <b>Disposition</b><br>Settled                                     | <b>Amount Paid</b><br>\$ 15,000.00  |
| <b>Division / Attorney:</b><br>Litigation / Michael E. Fondino  |   |   |                                     |
| <b>Matter ID    Outside Counsel</b><br>11.236   |   |   |                                     |



**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT  
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000**

July 1, 2018 to September 30, 2018

1st Quarter FY19

|  |                            |                    |                       |
|--|----------------------------|--------------------|-----------------------|
| <b>Case Name:</b> Zia Trust Inc., as the Personal Representative of the Estate of Jeremy Robertson, deceased, and Kathy O'Neil, Next Friend to M.M., a |                            |                    |                       |
| <b>Type of Suit:</b>   | <b>Synopsis of Case</b>    | <b>Disposition</b> | <b>Amount Paid</b>    |
| LIT-Civil Rights/APD   | Officer involved shooting. | Settled            | \$ 225,000.00         |
| <b>Division / Attorney:</b>  |                            |                    |                       |
| Litigation / Stephanie M. Griffin  |                            |                    |                       |
| <b>Matter ID</b>   | <b>Outside Counsel</b>     |                    |                       |
| 10.803   |                            |                    |                       |
| <b>Total Amount for July 1, 2018 to September 30, 2018:</b>  |                            |                    | <b>\$2,270,474.21</b> |