



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

EC-19-469

Mayor Tim Keller

INTER-OFFICE MEMORANDUM

August 22, 2019

TO: Councilor Klarissa J. Peña, President, City Council
FROM: Tim Keller, Mayor *TK*
SUBJECT: Legal Department's Quarterly Litigation Reports for 2nd and 3rd Quarters of FY 2019

Submitted herewith to City Council are the Legal Departments Quarterly Litigation Reports for the 2nd and 3rd Quarters of FY 19 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:

SN

Sarita Nair Date
9/9/19
SA Chief Administrative Officer

Approved as to Legal Form:

EAJ

Esteban A. Aguilar Jr. Date
8-22-19
City Attorney

Cover Analysis

1. What is it?

Legal Department's Quarterly Litigation Reports for the **2nd and 3rd** Quarters of FY **2019**

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

CITY VICTORIES

October 1, 2018 to December 31, 2018

2nd Quarter FY19

Case Name: Maynor, Russell v. City of Albuquerque, D-202-CV-2016-07986			
Type of Suit:	Synopsis of Case	Disposition	Amount Paid
LIT-Tort/Personal Injury	Plaintiff claims injury after tripping on a portion of asphalt on the road.	Judgment in favor of Defendant	\$ 0.00
Division / Attorney:		dismissed on the merits	
Litigation / Stephanie M. Griffin			
Matter ID	Outside Counsel		
11.225			
Case Name: Trujillo, Joseph v. City of Albuquerque and Shaune Reese, CV-2016-04319			
Type of Suit:	Synopsis of Case	Disposition	Amount Paid
LIT-Tort/Personal Injury/MVA	Plaintiff claims injuries from an auto accident involving a police officer.	Dismissed Sua Sponte via	\$ 0.00
Division / Attorney:		Disposition Order for Lack of Prosecution	
Litigation / Michael E. Fondino			
Matter ID	Outside Counsel		
10.861			
Case Name: Wilson, Jake, et al. v. City of Albuquerque, et al., CV-2014-05673			
Type of Suit:	Synopsis of Case	Disposition	Amount Paid
LIT-Tort/Personal Injury/MVA	Plaintiff was carrying his infant while crossing the street at a stop light and was hit by a car that was making a left-hand turn.	Dismissal of Appeal from Appellate Court	\$ 0.00
Division / Attorney:			
Litigation / Jessica L. Nixon			
Matter ID	Outside Counsel		
11.160			

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT

SETTLEMENTS AND JUDGMENTS LESS THAN \$10,000

October 1, 2018 to December 31, 2018

2nd Quarter FY19

Case Name: Gideon, Elaine v. Jacob Hilts, et al., D-202-CV-0218-01900			
Type of Suit:	Synopsis of Case	Disposition	Amount Paid
LIT-Tort/Personal Injury	Plaintiff claims injury after being involved in an automobile accident.	Settled	\$ 2,000.00
Division / Attorney:			
Litigation / Peter Haynes			
Matter ID Outside Counsel			
11.267			
Case Name: Gonzales, Rafael v City of Albuquerque, and New Mexico Department of Transportation, D-202-CV-2017-05761			
Type of Suit:	Synopsis of Case	Disposition	Amount Paid
LIT-Tort/Personal Injury	Plaintiff claims injury after losing control of his motorcycle on a roadway that had large cracks on it.	Settled	\$ 3,000.00
Division / Attorney:			
Litigation / Peter Haynes			
Matter ID Outside Counsel			
11.245			
Total Amount for October 1, 2018 to December 31, 2018:			\$5,000.00

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT

SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000

October 1, 2018 to December 31, 2018

2nd Quarter FY19

Case Name: Anderson-Riedel, Susanne, Individually and on behalf of Jacob Anderson, a minor and Florian Anderson, a minor v. City of			
Type of Suit: LIT-Tort/Personal Injury/MVA	Synopsis of Case Plaintiffs allege negligence and liability for negligence to bystanders.	Disposition Settled	Amount Paid \$ 250,000.00
Division / Attorney: Litigation / Michael E. Fondino			
Matter ID Outside Counsel 11.183			
Case Name: Atkinson, Scott, as PR of the Estate of Oscar Almeida, Sr., Deceased, et al. v. City of Albuquerque, et al.			
Type of Suit: LIT-Tort/Wrongful Death/MVA	Synopsis of Case Plaintiffs claim damages after fatal car accident involving an alleged APD vehicle pursuit.	Disposition Settled - distributed to 4 plaintiffs	Amount Paid \$ 90,000.00
Division / Attorney: Litigation / Kristin J. Dalton			
Matter ID Outside Counsel 10.869			
Case Name: Casaus v. City of Albuquerque, et al., CV-2016-05553			
Type of Suit: LIT-Employment/Declaratory, Injunctive R	Synopsis of Case Complaint alleging failure to promote.	Disposition This matter is settled and dismissed.	Amount Paid \$ 65,000.00
Division / Attorney: Litigation/EMP / Samantha M. Hults			
Matter ID Outside Counsel 10.772 Ethan Watson			
Case Name: Quote...Unquote, Inc. v. City of Albuquerque, et al.			
Type of Suit: MA-Telecommunications	Synopsis of Case Incumbent provider of public access brought suit (1) appealing the procurement process; (2) alleging Section 1983 violation of due process and equal protection and (3) anti-donation	Disposition	Amount Paid \$ 140,000.00
Division / Attorney: Municipal Affairs / Kinzer A. Jackson			
Matter ID Outside Counsel 50.008-1			

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT

SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000

October 1, 2018 to December 31, 2018

2nd Quarter FY19

Case Name: Reynaldo Chavez v. City of Albuquerque ex-rel, APD and Javier Urban			
Type of Suit: SCSF-Litigation	Synopsis of Case Plaintiff alleged IPRA violations.	Disposition Notice of Voluntary Dismissal of Petition with Prejudice	Amount Paid \$ 144,679.52
Division / Attorney: Municipal Affairs/John DuBois			
Matter ID <u>Outside Counsel</u> 10.188-15			
Case Name: Salas, Kyle v. City of Albuquerque, CV-2016-04237			
Type of Suit: LIT-Tort/Property Damages	Synopsis of Case Plaintiff alleges property damages after driving her vehicle through flowing water in the road - alleges no signs or other visual warnings to identify the hazard.	Disposition Settled	Amount Paid \$ 12,000.00
Division / Attorney: Litigation / Michael E. Fondino			
Matter ID <u>Outside Counsel</u> 11.208			
Case Name: Scott, Quentin v. The City of Albuquerque, et al., CV-2014-04032			
Type of Suit: LIT-Civil Rights/APD	Synopsis of Case Plaintiff, a minor, alleges deprivation of civil rights, rights under the Americans with Disabilities Act, Torts, and violations of the New Mexico constitution for for being handcuffed and taken to juvenile detention for ditching a middle school class.	Disposition Settled	Amount Paid \$ 25,000.00
Division / Attorney: Litigation / Kristin J. Dalton			
Matter ID <u>Outside Counsel</u> 10.575			
Case Name: Shelton, Ramona v. City of Albuquerque; D-202-CV-2017-0804			
Type of Suit: LIT-Tort/Personal Injury	Synopsis of Case Plaintiff alleges personal injuries due to fall while a passenger in a Sun Van.	Disposition Settled	Amount Paid \$ 45,000.00
Division / Attorney: Litigation / Peter Haynes			
Matter ID <u>Outside Counsel</u> 12.290			

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT

SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000

October 1, 2018 to December 31, 2018

2nd Quarter FY19

Case Name: Solomon v. City of Albuquerque, et al., CV-2016-06624			
Type of Suit: LIT-Employment/Civil Rights/Title VII	Synopsis of Case Former employee alleged violations of the New Mexico Human Rights Act; Whistleblower Protection Act; Fraud against Taxpayers Act; and Inspection of Public Records Act.	Disposition Settled.	Amount Paid \$ 135,000.00
Division / Attorney: Litigation/EMP / Melissa M. Kountz		Dismissed with prejudice	
Matter ID Outside Counsel 11.220 Sean E. Garrett			
Case Name: Torres, Joseph Dion, on his behalf and on behalf of similarly situated persons v. City of Albuquerque, et al, 1:17-cv-00754 MV/SCY			
Type of Suit: LIT-Civil Rights/APD	Synopsis of Case Plaintiff claims deprivation of civil rights after his house was deemed substandard.	Disposition Settled	Amount Paid \$ 180,000.00
Division / Attorney: Litigation / Kristin J. Dalton			
Matter ID Outside Counsel 10.906			
Case Name: Vigil, Ryan v. Brandon Parra and City of Albuquerque, CV-2018-01697;			
Type of Suit: LIT-Tort/Personal Injury/MVA	Synopsis of Case Plaintiff claims injury after being involved in an auto accident with a police vehicle.	Disposition Settled	Amount Paid \$ 15,000.00
Division / Attorney: Litigation / Kristin J. Dalton			
Matter ID Outside Counsel 10.948			
Case Name: Wolff, Mark v. City of Albuquerque and County of Bernalillo, D-202-CV-2018-00929			
Type of Suit: LIT-Tort/Personal Injury/MVA	Synopsis of Case Plaintiff claims injury after being involved in an auto accident while inside an APD transport van.	Disposition Settled	Amount Paid \$ 27,500.00
Division / Attorney: Litigation / Peter Haynes			
Matter ID Outside Counsel 10.956			

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

October 1, 2018 to December 31, 2018

2nd Quarter FY19

Total Amount for October 1, 2018 to December 31, 2018: \$1,129,179.52

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT

CITY VICTORIES

January 1, 2019 to March 31, 2019

3rd Quarter FY19

Case Name: Crespin, Christopher v Albuquerque Police Department, CV-2018-02484			
Type of Suit: LIT-Civil Rights and Tort Claims Division / Attorney: Litigation / Peter Haynes Matter ID Outside Counsel 10.952	Synopsis of Case Plaintiff alleges violations of civil rights.	Disposition Court dismissed for failure to comply with 28 U.S.C. §§ 1914 and 1915	Amount Paid \$ 0.00
Case Name: Gerken, Mesha v. Albuquerque Police Department, et al., 1-18-cv-01045 JHR			
Type of Suit: LIT-Negligence Division / Attorney: Litigation / Peter Haynes Matter ID Outside Counsel 10.984	Synopsis of Case Plaintiff alleges violations of civil rights.	Disposition Voluntary Dismissal by Plaintiff	Amount Paid \$ 0.00
Case Name: Ramirez, Geraldine H v Board of County Commissioners of the County of Bernalillo and City of Albuquerque			
Type of Suit: LIT-Negligence Division / Attorney: Litigation / Kristin J. Dalton Matter ID Outside Counsel 11.284	Synopsis of Case Plaintiff alleges personal injuries after being struck by a vehicle while crossing Isleta Blvd just south of Arenal Rd.	Disposition Voluntary Dismissal of Defendant City without Settlement	Amount Paid \$ 0.00
Case Name: Tenorio, Russell v. Brian Pitzer, et al., CIV-12-01295 LH/KBM			
Type of Suit: LIT-Civil Rights/APD Division / Attorney: Litigation / Stephanie M. Griffin Matter ID Outside Counsel 10.343	Synopsis of Case APD shooting involving a Plaintiff with fetal alcohol syndrome.	Disposition Judgment as a matter of law in favor of City	Amount Paid \$ 0.00

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

January 1, 2019 to March 31, 2019

3rd Quarter FY19

Case Name: Young, Robert v City of Albuquerque and Paul Chavez, CV-2017-06151			
Type of Suit:	Synopsis of Case	Disposition	Amount Paid
LIT-Tort/Personal Injury	Plaintiff claims injury after being involved in an accident while a passenger in a	Settled	\$ 185,000.00
Division / Attorney:	Senior Affairs transport van.		
Litigation / Michael E. Fondino			
Matter ID	Outside Counsel		
13.091			
Total Amount for January 1, 2019 to March 31, 2019:			\$1,189,250.00