



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

**EC-20-34**

Mayor Tim Keller

**INTER-OFFICE MEMORANDUM**

January 28, 2020

**TO:** Councilor Pat Davis, President, City Council

**FROM:** Tim Keller, Mayor *TK*

**SUBJECT:** Legal Department's Quarterly Litigation Report for the 1<sup>st</sup> Quarter of FY 2020  
(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 2020 (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:

*SIN*

2/10/20

Sarita Nair  
Chief Administrative Officer

Approved as to Legal Form:

*EA*

1-28-2020

Esteban A. Aguirre, Jr.  
City Attorney

## Cover Analysis

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

Legal Department's Quarterly Litigation Report for the 1<sup>st</sup> Quarter of FY 2020 (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  
CITY VICTORIES  
July 1, 2019 to September 30, 2019  
1st Quarter FY20**

<b>Case Name: Barela, Jacquelyn v. The City of Albuquerque et al.; D-202-CV-2017-03630</b>			
<u>Type of Suit:</u> LIT-Civil Rights/APD	<u>Synopsis of Case</u> Plaintiff claims damages after officer allegedly did not follow up on her calls for help.	<u>Disposition</u> Disposition Order for Lack of Prosecution filed by Court on 8/27/19	<u>Amount Paid</u> \$0.00
<u>Division / Attorney:</u> Litigation/Stephanie M. Griffin			
<u>Matter ID</u> <u>Outside Counsel</u> 10.892			
<b>Case Name: COA v. Soto Enterprises, Inc. et al.</b>			
<u>Type of Suit:</u> RELU-Litigation	<u>Synopsis of Case</u>	<u>Disposition</u> Settlement between Parties in favor of the City of Albuquerque	<u>Amount Paid</u> \$200,000.00
<u>Division / Attorney:</u> RELU-John Dubois			
<u>Matter ID</u> <u>Outside Counsel</u> 12.046-2			
<b>Case Name: Crespin, Christopher Lee v. Albuquerque Police Department; D-202-CV-2019-04927</b>			
<u>Type of Suit:</u> LIT-Tort/Personal Injury	<u>Synopsis of Case</u> Plaintiff alleges personal injury from an arrest involving an Albuquerque Police Department canine.	<u>Disposition</u> Plaintiff Voluntarily Dismissed Complaint (No Settlement)	<u>Amount Paid</u> \$0.00
<u>Division / Attorney:</u> Litigation/Peter Haynes			
<u>Matter ID</u> <u>Outside Counsel</u> 10.1033			

**Case Name: JLB, LLC, a New Mexico limited liability company, v. City of Albuquerque; D-202-CV-2019-03882**

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Property Damages	Plaintiff alleges negligence and property damage following sewage backups and flooding.	City proved Co-Defendant's vendor TLC Plumbing was liable For Plaintiffs' Damages	\$0.00

**Division / Attorney:**

Litigation/Audrey K. McKee

**Matter ID Outside Counsel**

11.296

**Case Name: Sanchez, Thomas v. Yellow-Checker Cab Company, et al; D-202-CV-2019-00117**

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury	Plaintiff alleges personal injuries after his foot was run over by a cab driver.	Plaintiff Voluntarily Dismissed Defendant City as a Party (No Settlement)	\$0.00

**Division / Attorney:**

Litigation/Kristin J. Dalton

**Matter ID Outside Counsel**

12.333

**LEGAL DEPARTMENT QUARTERLY REPORT  
SETTLEMENTS AND JUDGMENTS GREATER THAN \$10,000.00  
July 1, 2019 to September 30, 2019  
1st Quarter FY20**

<b>Case Name: Andrews, Patricia, individually and as personal representative for the estate of Clifton Martin; D-202-CV-2018-06640</b>			
<u>Type of Suit:</u> LIT – Tort/Personal Injury	<u>Synopsis of Case</u> Plaintiff claims damages from an auto accident involving a city dump truck when the truck merged over into Plaintiff's lane of traffic.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$11,400.00
<u>Division / Attorney:</u> Litigation/Stephanie M. Griffin			
<u>Matter ID</u> <u>Outside Counsel</u> 11.280			
<b>Case Name: Boateng, Tracy v. City; D-202-CV-2018-08272</b>			
<u>Type of Suit:</u> LIT – Employment Discrimination	<u>Synopsis of Case</u> Complaint for Employment Discrimination and Retaliation.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$25,000.00
<u>Division / Attorney:</u> Litigation/EMP/Ian G. Stoker			
<u>Matter ID</u> <u>Outside Counsel</u> 10.986			
<b>Case Name: Casaus, Shawn v. City of Albuquerque, ex rel. Albuquerque Police Department and Anthony Simoes; D-202-CV-2017-04637</b>			
<u>Type of Suit:</u> LIT – IPRA	<u>Synopsis of Case</u> Plaintiff alleges damages following an Inspection of Public Records request made to the Albuquerque Police Department.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$50,000.00
<u>Division / Attorney:</u> Litigation/Kristin J. Dalton			
<u>Matter ID</u> <u>Outside Counsel</u> 10.909			

<b>Case Name: Conte, Paul Jr. v. Police Officer Jacob Welch, et al; D-202-CV-2018-02366</b>			
<b>Type of Suit:</b> LIT-Tort/Personal Injury/MVA	<b>Synopsis of Case</b> Plaintiff claims injuries after being involved in an automobile accident with a police cruiser.	<b>Disposition</b> Settled	<b>Amount Paid</b> \$75,000.00
<b>Division / Attorney:</b> Litigation/Kristin J. Dalton			
<b>Matter ID    Outside Counsel</b> 10.953			
<b>Case Name: Bennett, Delano v. City of Albuquerque, CV-2018-02010</b>			
<b>Type of Suit:</b> LIT-Employment/Discrimination	<b>Synopsis of Case</b> Complaint alleging retaliation.	<b>Disposition</b> This matter has settled.	<b>Amount Paid</b> \$27,500.00
<b>Division / Attorney:</b> Litigation/EMP/Devon P. Moody			
<b>Matter ID    Outside Counsel</b> 12.300			
<b>Case Name:</b> <b>Dibble, Kyle v. Gabriel Holguin, in his individual capacity, and the City of Albuquerque, 16CV01226-RJ-KBM</b>			
<b>Type of Suit:</b> LIT-Civil Rights and Tort Claims	<b>Synopsis of Case</b> Plaintiff claims injury from an incident involving an Albuquerque Police Officer.	<b>Disposition</b> Judgment in favor of Plaintiff	<b>Amount Paid</b> \$290,373.00
<b>Division / Attorney:</b> Litigation/Stephanie M. Griffin			
<b>Matter ID    Outside Counsel</b> 10.845			
<b>Case Name: Garza, Estevan v. Joshua Jones and City of Albuquerque; D-202-CV-2017-06705</b>			
<b>Type of Suit:</b> LIT-Tort/Personal Injury/MVA	<b>Synopsis of Case</b> Plaintiff claims the City failed to properly maintain the roads and suffered injury from an auto accident.	<b>Disposition</b> Settled	<b>Amount Paid</b> \$160,000.00
<b>Division / Attorney:</b> Litigation/Audrey K. Mckee			
<b>Matter ID    Outside Counsel</b> 11.259			

<b>Case Name: Griego, James Richard v. City of Albuquerque; D-202-CV-2019-01540</b>			
<b>Type of Suit:</b> LIT-Civil Rights/APD	<b>Synopsis of Case</b> Plaintiff alleges deprivation of rights, violation of property rights, and unreasonable search and seizure following an incident that allegedly occurred at a home he was renovating.	<b>Disposition</b> Settled	<b>Amount Paid</b> \$45,000.00
<b>Division / Attorney:</b> Litigation/Kristin J. Dalton			
<b>Matter ID    Outside Counsel</b> 10.1003			
<b>Case Name: Jasper, Robyn v. Benito Martinez; City of Albuquerque; and DOES I through X, inclusive; 1:18-cv-00809-RB-LF</b>			
<b>Type of Suit:</b> LIT-Tort/Personal Injury	<b>Synopsis of Case</b> Plaintiff claims injury after an auto accident involving a police cruiser driven by a City of Albuquerque police officer.	<b>Disposition</b> Settled	<b>Amount Paid</b> \$100,000.00
<b>Division / Attorney:</b> Litigation/Peter Haynes			
<b>Matter ID    Outside Counsel</b> 10.933			
<b>Case Name: Korovlev, Phillip v. City of Albuquerque, et al., 1:18-cv-01001 JCH/SCY</b>			

<b>Type of Suit:</b> LIT-Employment/Discrimination	<b>Synopsis of Case</b> Complaint alleging employment discrimination.	<b>Disposition</b> This matter has settled.	<b>Amount Paid</b> \$50,000.00
<b>Division / Attorney:</b> Litigation/EMP/Ian G. Stoker			
<b>Matter ID    Outside Counsel</b> 10.989			
<b>Case Name: Miller, George v. City of Albuquerque, D-202-CV-2016-06984</b>			

<b>Type of Suit:</b> LIT-Tort/Personal Injury	<b>Synopsis of Case</b> Plaintiff claims injury from a fall while riding as a passenger in a City bus.	<b>Disposition</b> Settled	<b>Amount Paid</b> \$30,000.00
<b>Division / Attorney:</b> Litigation/Stephanie M. Griffin			
<b>Matter ID</b> <b>Outside Counsel</b> 12.249			
<b>Case Name: Mireles, Rene M. v Johnathan Holt and City of Albuquerque, CV-2018-05056</b>			
<b>Type of Suit:</b> LIT-Tort/Personal Injury	<b>Synopsis of Case</b> Plaintiff claims injuries after falling out of his wheelchair when a City bus driver stopped the bus to avoid getting into an accident.	<b>Disposition</b> Settled	<b>Amount Paid</b> \$25,000.00
<b>Division / Attorney:</b> Litigation/Stephanie M. Griffin			
<b>Matter ID</b> <b>Outside Counsel</b> 12.309			
<b>Case Name: Nelson, Tony v. Board of County Commissioners, et al., CIV-10-00553 BB/DJS</b>			
<b>Type of Suit:</b> LIT-Civil Rights/APD	<b>Synopsis of Case</b> Plaintiff filed suit against Defendants claiming personal injuries and excessive use of force.	<b>Disposition</b> Judgment/Settled	<b>Amount Paid</b> \$675,000.00
<b>Division / Attorney:</b> Litigation/Stephanie M. Griffin			
<b>Matter ID</b> <b>Outside Counsel</b> 10.018      David Roman			



<b>Case Name: Robles, Iliana Sanchez, et al. v. City of Albuquerque; D-202-CV-2018-03502</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury	<b><u>Synopsis of Case</u></b> Plaintiffs claim injury after minor child was injured falling out of a swing.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$40,000.00
<b><u>Division / Attorney:</u></b> Litigation/Peter Haynes			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 13.093			
<b>Case Name: Rodriguez, Gabriel v Megan Maestas; D-202-CV-2018-08444</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury	<b><u>Synopsis of Case</u></b> Plaintiff claims injury after being involved in an automobile accident involving an APD Crime Scene van.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$16,000.00
<b><u>Division / Attorney:</u></b> Litigation/Taylor M. Lucras			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.981			
<b>Case Name: Ryczaj, Edmund and Margaret Sredznicki v. City of Albuquerque, et al.; D-202-CV-2019-04407</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/MVA	<b><u>Synopsis of Case</u></b> Plaintiffs allege personal injuries following a motor vehicle accident involving the Albuquerque Police Department.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$67,250.00
<b><u>Division / Attorney:</u></b> Litigation/Taylor M. Lucras			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.1026			

<b>Case Name: Salas, John J. v. City of Albuquerque, General Growth Properties, Inc.; D-202-CV-2017-08478</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 claims injury after being bitten by a dog in the care of Lucky Paws.	Settled	\$43,000.00
<b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 17.128			
<b>Case Name: Salwei, Jeanne v. City of Albuquerque; D-202-CV-2018-06631</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 claims injury after tripping and falling on the sidewalk.	Settled	\$20,000.00
<b><u>Division / Attorney:</u></b> Litigation/Taylor M/ Lueras			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 11.277			
<b>Case Name: Chavez, Seth v. City of Albuquerque, 1:18-CV-00997 SCY/JHR</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 violations of the Americans with Disabilities Act and the NM Human Rights Act.	This matter has settled.	\$100,000.00
<b><u>Division / Attorney:</u></b> Litigation/EMP/Devon P. Moody			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.985			

**Case Name: Tafoya, Herman v. The City of Albuquerque; D-202-CV-2018-03736**

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury	Plaintiff claims injury and damages after crashing into a gate.	Settled	\$100,000.00

Division / Attorney:  
Litigation/Peter Haynes  
Matter ID Outside Counsel  
13.094

**Case Name: Vigil, Christina v. Michael Avila, and City of Albuquerque; D-202-CV-2016-05917**

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Negligence	Plaintiff claims negligence and seeks punitive damages after being struck by an APD unit driven by Defendant.	Settled	\$100,000.00

Division / Attorney:  
Litigation/Audrey K. McKee  
Matter ID Outside Counsel  
10.848

Total Amount for July 1, 2019 to September 30, 2019: \$2,050,523.00

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT**  
**SETTLEMENTS AND JUDGMENTS LESS THAN \$10,000**  
**July 1, 2019 to September 30, 2019**  
**1st Quarter FY20**

<b>Case Name:</b>			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
<u>Division / Attorney:</u>			\$0.00
<u>Matter ID</u>	<u>Outside Counsel</u>		
			\$0.00