



# CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor

EC-20-38

Mayor Timothy M. Keller

## INTER-OFFICE MEMORANDUM

February 6, 2020

**TO:** Patrick Davis, President, City Council

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

**SUBJECT:** Legal Department's Quarterly Litigation Report for the 2<sup>nd</sup> Quarter of FY 2020 (greater than 10,000)

Submitted herewith to City Council is the Legal Department's Quarterly Litigation Report for the 2<sup>nd</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, attached herewith, be presented to City Council.

Approved:

  
Sarita Nair

2/17/20

Date

 Chief Administrative Officer

Approved as to Legal Form:

  
Esteban A. Aguilar, Jr.

2-7-2020

Date

City Attorney

## Cover Analysis

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

Legal Department's Quarterly Litigation Report for the 2<sup>nd</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**  
**October 1, 2019 to December 31, 2019**  
**2<sup>nd</sup> Quarter FY20**

<b>Case Name: Gist, Christopher v. Albuquerque Police Department, et al.; D-202-CV-2019-02362; PO-19-14018 (JC)</b>			
<b><u>Type of Suit:</u></b> Litigation (General)	<b><u>Synopsis of Case</u></b> Plaintiff alleges harassment following a traffic stop.	<b><u>Disposition</u></b> Court granted dismissal in favor of City following Motions practice.	<b><u>Amount Paid</u></b> \$0.00
<b><u>Division / Attorney:</u></b> Litigation/Taylor M. Lueras			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 10.1005			
<b>Case Name: State Farm Mutual Automobile Insurance Company v. City of Albuquerque; T-4-CV-2019-13716; AU-19-13978-2 (HJ)</b>			
<b><u>Type of Suit:</u></b> LIT/Tort/Personal Injury/MVA	<b><u>Synopsis of Case</u></b> Plaintiff alleges money due in subrogation following a motor vehicle accident that involved a Solid Waste Management vehicle.	<b><u>Disposition</u></b> Voluntary dismissal of Complaint by Plaintiff (No Settlement)	<b><u>Amount Paid</u></b> \$0.00
<b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton			
<b><u>Matter ID</u></b> <b><u>Outside Counsel</u></b> 17.151			

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT**  
**SETTLEMENTS AND JUDGMENTS LESS THAN \$10,000**  
**October 1, 2019 to December 31, 2019**  
**2<sup>nd</sup> Quarter FY20**

<b>Case Name: Aguilera, Eddie v. City of Albuquerque, et al.; 2:19-cv-00280-JAP-CG; PO-18-11014 (KM)</b>			
<b><u>Type of Suit:</u></b> LIT-Civil Rights/APD	<b><u>Synopsis of Case</u></b> Plaintiff alleges Albuquerque Police Officers deprived him of his civil rights.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$5,000.00
<b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton			
<b><u>Matter ID</u>   <u>Outside Counsel</u></b> 10.1012			
<b>Case Name: Arasim, Charles v. City of Albuquerque, Albuquerque Police Department, and Nyvia Barraza, D-202-CV-2018-00515, PO-18-09359 (JC)</b>			
<b><u>Type of Suit:</u></b> LIT-IPRA	<b><u>Synopsis of Case</u></b> Plaintiff claims damages after not receiving documents requested from APD.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$4,250.00
<b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton			
<b><u>Matter ID</u>   <u>Outside Counsel</u></b> 10.936			
<b>Case Name: DeVargas, Priscilla, Mother of Jazmine Sanchez, a Minor; D-202-CV-2019-06532; AU-19-12542 (KM)</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury	<b><u>Synopsis of Case</u></b> Plaintiff alleges minor child was injured when a City of Albuquerque's bus doors closed on the minors head.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$8,000.00
<b><u>Division / Attorney:</u></b> Litigation/Audrey K. McKee			
<b><u>Matter ID</u>   <u>Outside Counsel</u></b> 12.347			

**Case Name: Vernooy, Kathryn v. City of Albuquerque; D-202-CV-2019-02964; GL-19-11559 (KM)**

<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 following a trip and fall due to uneven/incomplete roadway paving.	Settled	\$5,000.00

Division / Attorney:  
Litigation/Taylor M. Lueras

Matter ID   Outside Counsel  
11.292

**Total Amount for October 1, 2019 to December 31, 2019: \$22,250.00**

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

**October 1, 2019 to December 31, 2019**

**2<sup>nd</sup> Quarter FY20**

<b>Case Name: Brinkley, Deb v. City of Albuquerque and Janelle Johnson, D-202-CV-2018-05773; PO-18-11927 (JC)</b>			
<b><u>Type of Suit:</u></b> LIT-IPRA	<b><u>Synopsis of Case</u></b> Plaintiff claims damages resulting from an IPRA investigation.	<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>   <u>Outside Counsel</u></b> 17.135			
<b>Case Name: Burks, Tommy v. Officer Jared Foulk, an individual and employee; City of Albuquerque, a governmental entity; and John Doe Police Officers 1-5, D-202-CV-2017-05347; AU-16-00603-1 (KM)</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/MVA	<b><u>Synopsis of Case</u></b> Plaintiff claims injury after being struck by a police unit during an arrest.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$13,500.00
<b><u>Division / Attorney:</u></b> Litigation/Taylor M. Lueras			
<b><u>Matter ID</u>   <u>Outside Counsel</u></b> 10.921			
<b>Case Name: Francia, Larry v. City of Albuquerque, D-202-CV-2018-07788; PO-18-11569 (JH)</b>			
<b><u>Type of Suit:</u></b> LIT-Civil Rights and Tort Claims	<b><u>Synopsis of Case</u></b> Plaintiff claims violation of civil rights; unlawful arrest; due process; false arrest and false imprisonment.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$41,000.00
<b><u>Division / Attorney:</u></b> Litigation/Kristin J. Dalton			
<b><u>Matter ID</u>   <u>Outside Counsel</u></b> 10.983			

<b>Case Name: Gutierrez, Brianna v. Antony Aurelio Garcia, et al.; D-202-CV-2019-02710; AU-19-11772 (KM)</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury/MVA	<b><u>Synopsis of Case</u></b> Plaintiff alleges personal injuries and damages following her vehicle being struck when a tire and wheel came out of a solid waste vehicle.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$13,500.00
<b><u>Division / Attorney:</u></b> Litigation/Taylor M/ Lueras			
<b><u>Matter ID</u>   <u>Outside Counsel</u></b> 17.145			
<b>Case Name: Lund, Jennifer v. City of Albuquerque, et al.; D-202-CV-2017-00518; GL-16-01370 (AS)</b>			
<b><u>Type of Suit:</u></b> LIT-Employment/Civil Rights/ Title 7	<b><u>Synopsis of Case</u></b> Complaint for Damages.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$95,000.00
<b><u>Division / Attorney:</u></b> Litigation/EMP/ Melissa M. Kountz			
<b><u>Matter ID</u>   <u>Outside Counsel</u></b> 10.859			
<b>Case Name: Massengale, Mary v. City of Albuquerque, and ALBUQUERQUE GRAND, LLC, d/b/a ALBUQUERQUE GRAND SENIOR LIVING; CV-2016-06332; GL-16-00233-1 (KM)</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury	<b><u>Synopsis of Case</u></b> Plaintiff claims injuries after falling on a City sidewalk.	<b><u>Disposition</u></b> Settled	<b><u>Amount Paid</u></b> \$70,000.00
<b><u>Division / Attorney:</u></b> Litigation/Stephanie M. Griffin			
<b><u>Matter ID</u>   <u>Outside Counsel</u></b> 11.219			
<b>Case Name: Salcido-Avalos, Rosalia individually and as Parent and Next of Friend of Melany Ruiz, a minor, v. Ronald Clipp and City of Albuquerque; D-202-CV-2018-08673; AU-18-08516 (JC)</b>			
<b><u>Type of Suit:</u></b> LIT-Tort/Personal Injury	<b><u>Synopsis of Case</u></b> Plaintiff alleges personal injuries to self and minor child following an MVA involving APD.	<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>Matter ID</b> <b>Outside Counsel</b> 10.994			
<b>Case Name: White, Areti Kae v. City of Albuquerque, et al., D-202-CV-2017-02556; GL-17-03848 (AS)</b>			
<b>Type of Suit:</b>	<b>Synopsis of Case</b>	<b>Disposition</b>	<b>Amount Paid</b>
LIT-Tort/Wrongful Death	Wrongful death case where Plaintiff claims that the City was negligent in maintaining the roadway on Avenida Cesar Chavez.	Settled	\$350,000.00
<b>Division / Attorney:</b> Litigation/Stephanie M. Griffin <b>Matter ID</b> <b>Outside Counsel</b> 11.237			
<b>Case Name: Winward, Donna v City of Albuquerque, County of Bernalillo, and State of New Mexico; D-202-CV-2018-01014; GL-17-05822 (AS)</b>			
<b>Type of Suit:</b>	<b>Synopsis of Case</b>	<b>Disposition</b>	<b>Amount Paid</b>
LIT-Tort/Personal Injury	Plaintiff claims injury after falling over some bolts in the sidewalk.	Settled	\$25,000.00
<b>Division / Attorney:</b> Litigation/Audrey K. McKee <b>Matter ID</b> <b>Outside Counsel</b> 11.262			
<b>Total Amount for October 1, 2019 to December 31, 2019: \$673,000.00</b>			