



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

April 27, 2020

TO: Patrick Davis, President, City Council

FROM: Timothy M. Keller, Mayor

SUBJECT: Legal Department's Quarterly Litigation Report for the 3rd Quarter of FY 2020
(greater than 10,000)

Submitted herewith to City Council is the Legal Department's Quarterly Litigation Report for the 3rd 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:

DocuSigned by:
Sarita Nair 4/28/2020
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Sarita Nair Date
Chief Administrative Officer

Approved as to Legal Form:

DocuSigned by:
Esteban A. Aguilar, Jr. 4/27/2020
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Esteban A. Aguilar, Jr. Date
City Attorney

Cover Analysis

1. What is it?

Legal Department's Quarterly Litigation Report for the 3rd 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**

January 1, 2020 to March 31, 2020
3rd Quarter FY20

Case Name: Bencomo-Labastida, Maribel v. City of Albuquerque, et al.; D-202-CV-2019-08969; PO-18-08504 (KM)			
<u>Type of Suit:</u> LIT-Civil Rights and Tort Claims <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 10.1077	<u>Synopsis of Case</u> Plaintiff claims damages following and alleged wrongful arrest.	<u>Disposition</u> Plaintiff voluntarily Dismissed all claims against City Defendants (No Settlement)	<u>Amount Paid</u> \$0.00
Case Name: Catanach, Luke, et al., v. City of Albuquerque, et al.; D-202-CV-2019-06345; GL-19-15749 (TGH)			
<u>Type of Suit:</u> LIT- Breach of Contract <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 10.1053	<u>Synopsis of Case</u> Plaintiff alleges :Breach of Contract” following his removal from the Community Custody Program (CCP).	<u>Disposition</u> Claims against Defendant City Voluntarily Dismissed by Plaintiff (No Settlement)	<u>Amount Paid</u> \$0.00
Case Name: Martinez, Mary v. City of Albuquerque and Alan Armijo; D-202-CV-2019-06935; PO-19-14726 (JC)			
<u>Type of Suit:</u> Litigation (General) <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 43.025 Deborah Wells	<u>Synopsis of Case</u> Plaintiff alleges her right to free speech was violated following an eviction.	<u>Disposition</u> Dismissal granted by Court following Motions practice.	<u>Amount Paid</u> \$0.00

Case Name: Vazquez Garcia, Rafael v. City of Albuquerque; D-202-CV-2018-07352; GL-18-12584 (JH)			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
Litigation (General)	Plaintiff alleges damages after being "beaten up"	Court granted	\$0.00
<u>Division / Attorney:</u>	by another passenger on a City bus.	Dismissal following	
Litigation / Kristin J. Dalton		Motions practice.	
<u>Matter ID</u>	<u>Outside Counsel</u>	(No Settlement)	
12.315			

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

January 1, 2020 to March 31, 2020

3rd Quarter FY20

Case Name: Alvarado, Amanda v. City of Albuquerque and Bryce Willsey; D-202-CV-2019-05540; AU-18-08592 (KM)

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/ Personal Injury/MVA	Plaintiff alleges personal injuries following an	Settled	\$40,000.00
<u>Division / Attorney:</u>	MVA involving a police officer.		
Litigation / Taylor M. Lueras			
<u>Matter ID</u> <u>Outside Counsel</u>			
10.1056			

Case Name: Amparan, Kimberly v. City of Albuquerque; D-202-CV-2019-08388; AU-18-10698-2 (JH)

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury/MVA	Plaintiff alleges personal injuries following an	Settled	\$43,000.00
<u>Division / Attorney:</u>	MVA involving a ABQ Ride Sun Van.		
Litigation / Taylor M. Lueras			
<u>Matter ID</u> <u>Outside Counsel</u>			
12.351			

Case Name: Campbell, Chris v. City of Albuquerque, CV-2018-07975, LIAB#: PO-19-12975 (KM)

<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Employment/Breach of Contract	Complaint alleging violation of the NM	Settled	\$20,000.00
<u>Division / Attorney:</u>	Whistleblower Protection Act.		
Litigation/EMP/Juan A. Martinez Luna			
<u>Matter ID</u> <u>Outside Counsel</u>			
12.351			

Case Name: CT Towing, Inc., v. The City of Albuquerque, et al.; D-202-CV-2019-7803; PO-19-14343-2 (KM)			
<u>Type of Suit:</u> LIT-Breach of Contract <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 10.1072	<u>Synopsis of Case</u> Plaintiff alleges damages due to breach of contract.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$150,000.00
Case Name: Domrzalski, Dennis v. City of Albuquerque and Crystal Velarde, D-202-CV-2018-05858; PO-19-11923 (KM)			
<u>Type of Suit:</u> LIT-IPRA <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 10.969	<u>Synopsis of Case</u> Plaintiff claims damages following an IPRA request.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$28,000.00
Case Name: Flowerday, Terri v Justin Duran, City of Albuquerque, Patricia Murphy, and Does 1-10, D-202-CV-2018-02698; AU-02830-3 (KM)			
<u>Type of Suit:</u> LIT-Tory-Personal Injury/MVA <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 12.301	<u>Synopsis of Case</u> Plaintiffs claim injury after being involved in an MVA involving a City bus.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$45,000.00
Case Name: Garcia, Federico v. City of Albuquerque; D-202-CV-2019-00644; GL-18-11212 (KM)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation / Audrey K. McKee <u>Matter ID</u> <u>Outside Counsel</u> 11.287	<u>Synopsis of Case</u> Plaintiff alleges personal injuries after tripping over a "lifted" portion of sidewalk.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$75,000.00

Case Name: Gregory, Colleen v Seth R. Packer, et al., CV-2018-01249; GL18 08430 (AS)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation / Stephanie M. Griffin <u>Matter ID</u> <u>Outside Counsel</u> 11.276	<u>Synopsis of Case</u> Plaintiff claims injury and damages after colliding with a motor vehicle that was parked on a bike lane.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$25,000.00
Case Name: Johnson, John J. v. City of Albuquerque, Bradbury Stamm Construction, Inc.; D-202-CV-2017-06452; GL-17-03913 (AS)			
<u>Type of Suit:</u> LIT-Negligence <u>Division / Attorney:</u> Litigation / Audrey K. McKee <u>Matter ID</u> <u>Outside Counsel</u> 11.248	<u>Synopsis of Case</u> Plaintiff claims injuries after falling on two separate occasions in an area where the ART project was being worked on.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$12,500.00
Case Name: Baca, Judy Ann v. City of Albuquerque, CV-2018-02822, LIAB#: PO-17-10602 (KM)			
<u>Type of Suit:</u> LIT-Employment/Breach of Contract <u>Division / Attorney:</u> Litigation/EMP/ Devon P. Moody <u>Matter ID</u> <u>Outside Counsel</u> 29.049	<u>Synopsis of Case</u> Complaint for civil damages.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$30,000.00
Case Name: Lakatos, James v. City of Albuquerque; D-202-CV-2019-06287; GL-18-11169 (KM)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation / Audrey K. McKee <u>Matter ID</u> <u>Outside Counsel</u> 33.059	<u>Synopsis of Case</u> Plaintiff alleges injury after an accident involving a small train operated at the Biopark.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$38,500.00

Case Name: Martinez, Lillie v. City of Albuquerque; D-202-CV-2019-01202; GL-19-12627 (KM)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation / Audrey K. McKee <u>Matter ID</u> <u>Outside Counsel</u> 11.289	<u>Synopsis of Case</u> Plaintiff alleges negligence and personal injuries following a motorcycle accident.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$290,000.00
Case Name: Montoya, Elizabeth v. City of Albuquerque; D-202-CV-2019-04974; GL-19-11482 (JH)			
<u>Type of Suit:</u> LIT-Tort/ Personal Injury <u>Division / Attorney:</u> Litigation / Audrey K. McKee <u>Matter ID</u> <u>Outside Counsel</u> 31.032	<u>Synopsis of Case</u> Plaintiff alleges personal injuries following a trip and fall at a senior affairs facility.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$30,000.00
Case Name: Murphy, Patricia v. The City of Albuquerque and Justin Duran, D-202-CV-2018-06090; AU-17-02830-2 (KM)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 12.312	<u>Synopsis of Case</u> Plaintiff alleges personal injuries following an MVA involving a City bus.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$225,000.00
Case Name: Rawcliffe, Nancy v. City of Albuquerque; D-202-CV-2018-07052; GL 17-04006 (JH)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation / Taylor M. Lueras <u>Matter ID</u> <u>Outside Counsel</u> 17.139	<u>Synopsis of Case</u> Plaintiff claims injury after tripping and falling at a City of Albuquerque facility.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$40,000.00

Case Name: Stout, Regina v. City of Albuquerque - 1:18-cv-01228 JCH/LF)(D-202-CV-2018-08197); LIAB#: PO-16-02315 (KM)			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Employment/Discrimination	Complaint alleging violations of the Fair Pay for	Settled	\$95,000.00
<u>Division / Attorney:</u>	Women Act.		
Litigation/EMP / Melissa M. Kountz			
<u>Matter ID</u>	<u>Outside Counsel</u>		
10.991			
Case Name: Rodriguez, Denise v. Edie L. Yara and City of Albuquerque; D-202-CV-2017-05276; AU-16-00306-1 (KM)			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury	Plaintiff claims injury from an automobile	Settled	\$50,000.00
<u>Division / Attorney:</u>	accident involving a City bus.		
Litigation / Audrey K. McKee			
<u>Matter ID</u>	<u>Outside Counsel</u>		
12.310			
Case Name: Sanchez, Thomas v. City of Albuquerque, et al.; D-202-CV-2018-09303; AU-17-06270 (KM)			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury	Plaintiff alleges he suffered personal injuries	Settled	\$30,000.00
<u>Division / Attorney:</u>	while attempting to sit on an unsecured wheel		
Litigation / Kristin J. Dalton			
<u>Matter ID</u>	<u>Outside Counsel</u>		
12.330	chair seat on a City bus.		
Case Name: Ulloa, Manuel Jr. v. City of Albuquerque and Rodney L. Valverde; D-202-CV-2018-01818; AU-16-02222 (KM)			
<u>Type of Suit:</u>	<u>Synopsis of Case</u>	<u>Disposition</u>	<u>Amount Paid</u>
LIT-Tort/Personal Injury/MVA	Plaintiff claims injury from an auto accident	Settled	\$25,000.00
<u>Division / Attorney:</u>	involving a City Solid Waste vehicle.		
Litigation / Audrey K. McKee			
<u>Matter ID</u>	<u>Outside Counsel</u>		
17.132			
Total Amount for January 1, 2020 to March 31, 2020: \$1,292,000.00			

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

January 1, 2020 to March 31, 2020

3rd Quarter FY20

Case Name: Petsche, Dennis v. John Doe, and City of Albuquerque; D-202-CV-2019-06419; AU-19-12141 (KM)			
<u>Type of Suit:</u> LIT-Tort/Personal Injury	<u>Synopsis of Case</u> Plaintiff alleges personal injuries following an incident on a City bus.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$3,500.00
<u>Division / Attorney:</u> Litigation / Taylor M. Lueras			
<u>Matter ID</u> <u>Outside Counsel</u> 12.348			
Case Name: Strickland, Justin v. City of Albuquerque; D-202-CV-2019-05175; PO-18-08289 (KM)			
<u>Type of Suit:</u> SCSF- DWI Seizures	<u>Synopsis of Case</u> Plaintiff alleges damages due to a vehicle seizure.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$7,000.00
<u>Division / Attorney:</u> Litigation / Kristin J. Dalton			
<u>Matter ID</u> <u>Outside Counsel</u> 10.1047			
Total Amount for January 1, 2020 to March 1, 2020: \$10,500.00			