

EC-20-77



**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 3<sup>rd</sup> Quarter of FY 2020  
(greater than 10,000)

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

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 3<sup>rd</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**

**January 1, 2020 to March 31, 2020  
3<sup>rd</sup> Quarter FY20**

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

**3<sup>rd</sup> Quarter FY20**

<b>Case Name: Alvarado, Amanda v. City of Albuquerque and Bryce Willsey; D-202-CV-2019-05540; AU-18-08592 (KM)</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/MVA	Plaintiff alleges personal injuries following an	Settled	\$40,000.00
<b><u>Division / Attorney:</u></b>	MVA involving a police officer.		
Litigation / Taylor M. Lueras			
<b><u>Matter ID</u></b>	<b><u>Outside Counsel</u></b>		
10.1056			
<b>Case Name: Amparan, Kimberly v. City of Albuquerque; D-202-CV-2019-08388; AU-18-10698-2 (JH)</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/MVA	Plaintiff alleges personal injuries following an	Settled	\$43,000.00
<b><u>Division / Attorney:</u></b>	MVA involving a ABQ Ride Sun Van.		
Litigation / Taylor M. Lueras			
<b><u>Matter ID</u></b>	<b><u>Outside Counsel</u></b>		
12.351			
<b>Case Name: Campbell, Chris v. City of Albuquerque, CV-2018-07975, LIAB#: PO-19-12975 (KM)</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/Breach of Contract	Complaint alleging violation of the NM	Settled	\$20,000.00
<b><u>Division / Attorney:</u></b>	Whistleblower Protection Act.		
Litigation/EMP/Juan A. Martinez Luna			
<b><u>Matter ID</u></b>	<b><u>Outside Counsel</u></b>		
12.351			

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

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

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



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

**LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT**  
**SETTLEMENTS AND JUDGMENTS LESS THAN \$10,000.00**  
**January 1, 2020 to March 31, 2020**  
**3<sup>rd</sup> Quarter FY20**

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