

EC-21-456
CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

DATE: 10/01/2021

TO: Cynthia Borrego, President, City Council

FROM: Timothy M. Keller, Mayor

SUBJECT: Legal Department's Quarterly Litigation Report for the 4th Quarter of FY 2021 (Greater than 10,000)


Submitted herewith to City Council is the Legal Department's Quarterly Litigation Report for the 4th Quarter of FY 2021 (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 for information.

TITLE/SUBJECT OF LITIGATION: Legal Department's Quarterly Litigation Report for the 4th Quarter of FY 2021 (Greater than 10,000)

Approved:

Approved as to Legal Form:



Sarita Nair Date
Chief Administrative Officer

10/13/21

DocuSigned by:

Esteban A. Aguilar, Jr. 10/4/2021 | 11:50 AM MDT

Esteban A. Aguilar, Jr. Date
City Attorney

Cover Analysis

1. What is it?

Legal Department's Quarterly Litigation Report for the **4th** Quarter of **FY 2021** (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.

6. What will happen if the project is not approved?

N/A

7. Is this service already provided by another entity?

N/A

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

April 1, 2021 to June 30, 2021

4th Quarter FY21

Case Name: Grant, Tanika - Tort Claim Notice			
<u>Type of Suit:</u> LIT-Employment/Civil Rights/ Title VII	<u>Synopsis of Case</u> Tort claim notice alleged the need for anti-racism training within the department.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$10,000.00
<u>Division / Attorney:</u> Litigation/EMP / Melissa M. Kountz <u>Matter ID</u> <u>Outside Counsel</u> 10.1233			
Case Name: Chacon, Luz v. City of Albuquerque, et al; D-202-CV-2020-02642			
<u>Type of Suit:</u> LIT-Tort/Personal Injury	<u>Synopsis of Case</u> Plaintiff alleged personal injury following a bicycle accident on a City sidewalk.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$18,000.00
<u>Division / Attorney:</u> Litigation / Michael D. Russell <u>Matter ID</u> <u>Outside Counsel</u> 11.328			
Case Name: Chancay, Rafael v. Timothy McCarson and City of Albuquerque, D-202-CV-2017-03144			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA	<u>Synopsis of Case</u> Plaintiff claimed injury after being involved in a motor vehicle collision involving APD.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$90,000.00
<u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 10.893			

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

April 1, 2021 to June 30, 2021

4th Quarter FY21

Case Name: Chavez, Franchesca v. Timothy Valedez, et al.; D-202-CV-2020-02685			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation / Aaron Holloman <u>Matter ID</u> <u>Outside Counsel</u> 12.365	<u>Synopsis of Case</u> Plaintiff alleged personal injury following an MVA involving a City bus.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$16,000.00
Case Name: E.G. v. City of Albuquerque, Officer Dominic Sanchez and Officer Richard Anderson; D-202-CV-2020-04903			
<u>Type of Suit:</u> LIT-Civil Rights/APD <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 10.1162 Jonlyn Martinez	<u>Synopsis of Case</u> Plaintiff alleged violations of her civil rights following an arrest by APD.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$10,000.00
Case Name: Lucero, Carlos and Delores August v. APD Officer B. Wilsey, et al.; D-202-CV-2020-05492			
<u>Type of Suit:</u> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 10.1192	<u>Synopsis of Case</u> Plaintiffs alleged personal injury and damages following an alleged assault and battery by APD.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$75,000.00

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

April 1, 2021 to June 30, 2021

4th Quarter FY21

Case Name: Maberry, Kelly as parent and next friend of Jamie Maestas, a minor child v. City of Albuquerque; D-202-CV-2019-06405			
<u>Type of Suit:</u> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 20.219	<u>Synopsis of Case</u> Plaintiff alleged personal injury on behalf of a minor child who was allegedly injured while playing soccer at a community center.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$40,000.00
Case Name: Muniz, Linda v. Bill Marquez and City of Albuquerque; D-202-CV-2019-09060			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation / Michael D. Russell <u>Matter ID</u> <u>Outside Counsel</u> 12.352	<u>Synopsis of Case</u> Plaintiff alleged damages and personal injury following an MVA involving a Transit vehicle.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$31,000.00
Case Name: Padilla, Liane v. City of Albuquerque, et al.; D-202-CV-2020-05051			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/Premises Liab. <u>Division / Attorney:</u> Litigation / Michael D. Russell <u>Matter ID</u> <u>Outside Counsel</u> 11.340	<u>Synopsis of Case</u> Plaintiff alleged personal injury following a trip and fall on a sidewalk.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$10,000.00

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

April 1, 2021 to June 30, 2021

4th Quarter FY21

Case Name: Paloni, Sabrina v. City of Albuquerque, et al.; D-202-CV-2018-00015			
<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> 10.949	<u>Synopsis of Case</u> Plaintiff alleged personal injury following an MVA involving APD.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$17,500.00
Case Name: Platero, Hawk v. City of Albuquerque; D-202-CV-2020-05578			
<u>Type of Suit:</u> LIT-Tort/Personal Injury/MVA <u>Division / Attorney:</u> Litigation / Aaron Holloman <u>Matter ID</u> <u>Outside Counsel</u> 12.376	<u>Synopsis of Case</u> Plaintiff alleged personal injury following an incident that occurred while he was a passenger on a City bus.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$23,000.00
Case Name: Wiggins, Susan, individually and as PR of the Wrongful Death Estate of Robert T. Wiggins v. City of Albuquerque; D-202-CV-2020-03862			
<u>Type of Suit:</u> LIT-Tort/Wrongful Death/MVA <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 11.333	<u>Synopsis of Case</u> Plaintiff's estate alleged wrongful death following an MVA.	<u>Disposition</u> Settled	<u>Amount Paid</u> \$275,000.00
			<u>Total Amount for April 1, 2021 to June 30, 2021: \$615,500.00</u>

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

April 1, 2021 to June 30, 2021

4th Quarter FY21

Case Name: McIntyre, Kathy v. City of Albuquerque, City Place, LLC, and Maestas & Ward Real Estate, LLC			
Type of Suit:	Synopsis of Case	Disposition	Amount Paid
LIT-Tort/Personal Injury/Premises Liab.	Plaintiff alleged personal injury following a trip and fall on a sidewalk.	Settled	\$5,000.00
Division / Attorney:			
Litigation / Michael D. Russell			
Matter ID	Outside Counsel		
11.332			
Total Amount for April 1, 2021 to June 30, 2021: \$5,000.00			

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT CITY VICTORIES

April 1, 2021 to June 30, 2021
4th Quarter FY21

Case Name: Benson, Phillip v. City of Albuquerque and DOE Defendant 1; D-202-CV-2021-02979		
<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> 10.1291	<u>Synopsis of Case</u> Plaintiff alleged damages following an MVA.	<u>Disposition</u> Managing City Attorney negotiated voluntary dismissal of City as a Party.
Case Name: Jouett, David v. City of Albuquerque, et al.; D-202-CV-2021-00446		
<u>Type of Suit:</u> LIT-Tort/Personal Injury/Premises Liab. <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 11.355	<u>Synopsis of Case</u> Plaintiff alleged personal injury following a trip and fall on a sidewalk.	<u>Disposition</u> Managing City Attorney negotiated voluntary dismissal of City as a Party.
Case Name: Kenney, Kevin v. City of Albuquerque, Christopher Rody in his individual and official capacity; D-202-CV-2018-02824		
<u>Type of Suit:</u> LIT-Civil Rights/APD <u>Division / Attorney:</u> Litigation / Michael D. Russell <u>Matter ID</u> <u>Outside Counsel</u> 10.955	<u>Synopsis of Case</u> Plaintiff alleged wrongful arrest stemming from a traffic stop which resulted in a DWI arrest.	<u>Disposition</u> Dismissal granted in favor of City following Motions practice.

LEGAL DEPARTMENT QUARTERLY LITIGATION REPORT CITY VICTORIES

April 1, 2021 to June 30, 2021
4th Quarter FY21

Case Name: Littleton, Angela and Nathaniel Flake v. Fernando Abeyta, et al.; D-202-CV-2020-05910		
<u>Type of Suit:</u> LIT-Negligence <u>Division / Attorney:</u> Litigation / Ashlee M. Wright <u>Matter ID</u> <u>Outside Counsel</u> 24.425	<u>Synopsis of Case</u> Plaintiffs claimed damages following a series of dog attacks involving a neighbors dog and their dogs.	<u>Disposition</u> Dismissal granted in favor of City following Motions practice.
Case Name: Mera, Jorge v. City of Albuquerque, et al, D-202-CV-2018-05137		
<u>Type of Suit:</u> LIT-Tort/Personal Injury <u>Division / Attorney:</u> Litigation / Kristin J. Dalton <u>Matter ID</u> <u>Outside Counsel</u> 11.275	<u>Synopsis of Case</u> Plaintiff claimed injury after tripping into a food/push cart at a City of Albuquerque event.	<u>Disposition</u> Managing City Attorney negotiated tender of matter, ultimately resulting in dismissal of City.
Case Name: Taylor, Brenda, as the Personal Representative of the Estate of John Taylor v. Niki Costales, Ann Montoya, the City of Albuquerque, a municipal corporation, and the Albuquerque Police Department No. D-202-CV-2019-05446		
<u>Type of Suit:</u> LIT-Tort/Wrongful Death/MVA <u>Division / Attorney:</u> Litigation / Stephanie M. Griffin <u>Matter ID</u> <u>Outside Counsel</u> 10.1045	<u>Synopsis of Case</u> Plaintiff alleged wrongful death following an MVA.	<u>Disposition</u> Case dismissed following entry of Order granting City's Motion for Summary Judgment.