

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** SETTLEMENT OF GRIJALVA v.  
CITY OF SAN JOSE

**DATE:** June 21, 2018

## **RECOMMENDATION**

Approve a settlement in the case of *Grijalva v. City of San Jose* in the amount of \$59,900.00, and authorize the City Attorney to execute a Settlement Agreement.

## **OUTCOME**

Settle the lawsuit brought by Plaintiff Cosme Grijalva with a payment by the City of \$59,900.00, each side to bear their own costs, including attorney fees.

## **BACKGROUND**

On December 13, 2016, San Jose police officers sought out and contacted the Plaintiff pursuant to an informant's tip. At the time, Plaintiff was legally parked in his van. The officers removed Plaintiff from his van, detained Plaintiff in a police vehicle and then conducted a warrantless search of the van. The officers arrested Plaintiff for possession of methamphetamine for sales after finding a quantity of methamphetamine pursuant to the search. The District Attorney dismissed the charge pursuant to a judicial determination in the criminal case that the search was unlawful.

Plaintiff filed this lawsuit on March 26, 2018, alleging he was detained and arrested, and his van was searched, without probable cause. The complaint further alleged the arresting officers used excessive force to make the detention and arrest; and that they acted pursuant to unconstitutional policies, procedures or practices implemented by the police department.

## **ANALYSIS**

Under the proposed settlement, Plaintiff (and his attorneys) will receive \$59,900.00. This is a negotiated settlement between the parties to avoid the risks inherent in litigation.

## **PUBLIC OUTREACH/INTEREST**

This memorandum and the Settlement Agreement have been posted on the City's website for the June 26, 2018 agenda.

HONORABLE MAYOR AND CITY COUNCIL

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**COST SUMMARY/IMPLICATIONS**


The settlement will be paid from the City's claims reserve fund.

**CEQA**

Not Applicable. Not a Project; File No. PP10-066(h), Settlement Agreements.

RICHARD DOYLE

City Attorney

By   
ARDELL JOHNSON  
Chief Deputy City Attorney

cc: David Sykes, City Manager

For questions, please contact RICHARD DOYLE, City Attorney, at (408) 535-1900