



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** NORA FRIMANN,  
City Attorney

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

**DATE:** September 28, 2021

## **RECOMMENDATION**

Approve a settlement in the case of *Faz v. City of San Jose* in the amount of \$400,000.00, and authorize the City Attorney to execute a Settlement Agreement.

## **OUTCOME**

The City will pay the sum of \$400,000.00 to settle the lawsuit filed on September 10, 2018 entitled *Glendelia Faz v. City of San Jose, et al.* in the California Superior Court, County of Santa Clara, case number 18CV334698.

## **BACKGROUND**

Plaintiff alleged a dangerous condition of public property against the City after she was struck by a falling Redwood tree branch while sitting at a picnic table at River Glen Park on June 16, 2018. The tree limb was approximately 20 feet long and 4-6 inches wide, and was estimated to have fallen from 40 feet above. As a result of the accident, Plaintiff sustained multiple fractures that ultimately required surgery, resulting in approximately \$232,000 in medical bills.

## **ANALYSIS**

This is a negotiated settlement between the parties to avoid the risks inherent in litigation. The City will pay plaintiffs the sum of \$400,000.00 in full satisfaction and settlement of all claims and plaintiffs will dismiss their entire lawsuit. The proposed agreement will conclude the litigation without further cost, expense, or risk of loss to the City and City employees. The parties will bear their own respective attorneys' fees and litigation costs.

## **PUBLIC OUTREACH/INTEREST**

This memorandum and the Settlement Agreement have been posted on the City's website for the September 28, 2021 agenda.

**COST SUMMARY/IMPLICATIONS**

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

**CEQA**

Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

By: /s/ Nora Frimann  
NORA FRIMANN  
City Attorney

cc: Jennifer Maguire, City Manager

For questions, please contact NORA FRIMANN, City Attorney, at (408) 535-1900