



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann,
City Attorney

SUBJECT: SETTLEMENT OF LAWSUIT
FILED BY KATRINA DIAZ,
SAMANTHA MORENO, LEVI
DIAZ, PRESTON DIAZ

DATE: March 31, 2022

RECOMMENDATION

Approve the settlement of a lawsuit brought by Plaintiffs Katrina Diaz, Samantha Moreno, Levi Diaz, and Preston Diaz in the total amount of \$147,499 and authorize the City Attorney to execute a settlement agreement.

OUTCOME

Settlement of the personal injury lawsuit brought by Plaintiffs Katrina Diaz, Samantha Moreno, Levi Diaz, and Preston Diaz in the total amount of \$147,499. Each side will bear its own costs and attorney fees.

BACKGROUND

Plaintiffs filed a personal injury lawsuit in Kern County Superior Court against the City of San Jose and an officer with the San Jose Police Department stemming from a motor vehicle accident on February 4, 2018 in Bakersfield, California. The officer, who was on duty at the time, caused a rear-end collision with a vehicle occupied by the two adult and two children plaintiffs. Each of the plaintiffs sustained physical injuries and sought damages for medical expenses and pain and suffering. The adult plaintiffs also sought damages for wage and property losses. The settlement will resolve all of Plaintiffs' claims for damages, including any future damages.

ANALYSIS

This is a negotiated settlement between the parties to avoid the risks inherent in litigation. The City will pay plaintiffs the total sum of \$147,499 in full satisfaction and settlement of all claims, and plaintiffs will dismiss their entire lawsuit with prejudice. The proposed agreement will conclude the litigation without further cost, expense, or risk of

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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 April 19, 2022 agenda.

COST SUMMARY/IMPLICATIONS

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

CEQA

Not applicable. Not a project; 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