



NORA FRIMANN, CITY ATTORNEY

Office of the City Attorney

SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA

June 20, 2023

Place: City Hall Conference Room W-133

Time: **9:30 a.m.**

Item(s) to be discussed:

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

1. Case Name: In re: Claim of Hoenisch
Name(s) of Party(ies)
Court: Worker's Compensation Appeals Court
Case No: ADJ16589328
Amount of Money or Other Benefits
Relief Sought:
2. Case Name: Haidar v. City of San Jose, et al.,
Name(s) of Party(ies) CITY OF SAN JOSE, ROBERT
LABARBERA, ANTHONY MATA, THOMAS
BARNAR
Court: Superior Court of California; County of
Santa Clara
Case No: 18CV335617
Amount of Money or Other Damages according to proof
Relief Sought:
3. Case Name: Jane Doe v. University of Santa Clara, et
al.

Name(s) of Party(ies) JANE DOE, SANTA CLARA UNIVERSITY, a private corporation; CITY OF SAN JOSE POLICE DEPARTMENT, a public entity; HUNG BUI, an individual; and DOES 1-100, inclusive;

Court: Superior Court of California; County of Santa Clara

Case No: 20CV369814

Amount of Money or Other Relief Sought: Damages according to proof

4. Case Name: San Jose Mercury News LLC v. City of San Jose

Name(s) of Party(ies) SAN JOSE MERCURY NEWS LLC; CITY OF SAN JOSE

Court: Superior Court of California, Santa Clara County

Case No: 23CV415609

Amount of Money or Other Relief Sought: Writ of Mandate; Declaratory Relief; Costs and Attorneys' Fees

5. Case Name: California Waste Solutions, Inc. v. City of San Jose, et al.,

Name(s) of Party(ies) CALIFORNIA WASTE SOLUTIONS, INC., CITY OF SAN JOSE; AND DOES 1 TO 50, inclusive

Court: United States District Court for the Northern District of California

Case No: 3:23-cv-1647-NC

Amount of Money or Other Relief Sought: Damages according to proof

6. Case Name: Shahrivar v. City of San Jose, et al.,

Name(s) of Party(ies) DAVE SYKES, DANNY TSAO, KATY ALLEN

Court: Northern District of California, San Francisco Division

Case No: 3:10-cv-01029-RS

Amount of Money or Other Damages according to proof
Relief Sought:

7. Case Name: City of San Jose, et al. v. AmerisourceBergen Drug Corporation, et al.

Name(s) of Parties(s) Involved: AMERISOURCEBERGEN DRUG CORPORATION; CARDINAL HEALTH, INC.; MCKESSON CORPORATION; PURDUE PHARMA L.P.; PURDUE PHARMA, INC.; THE PURDUE FREDERICK COMPANY, INC.; TEVA PHARMACEUTICAL INDUSTRIES, LTD.; TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; JOHNSON & JOHNSON; JANSSEN PHARMACEUTICALS, INC.; ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; JANSSEN PHARMACEUTICA INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; NORAMCO, INC.; ENDO HEALTH SOLUTIONS INC.; ENDO PHARMACEUTICALS, INC.; ALLERGAN PLC F/K/A ACTAVIS PLS; WATSON PHARMACEUTICALS, INC. N/K/A ACTAVIS, INC.; WATSON LABORATORIES, INC.; ACTAVIS LLC; ACTAVIS PHARMA, INC. F/K/A WATSON PHARMA, INC.; MALLINCKRODT PLC; MALLINCKRODT LLC; INSYS THERAPEUTICS, INC; CVS HEALTH CORP.; THE KROGER CO.; RITE AID OF MARYLAND, INC.; THRIFTY PAYLESS, INC.; WALGREENS BOOTS ALLIANCE, INC.; WAL-MART, INC.

Court: U.S. District Court, Northern District of California, San Jose Division

Case No.: 5:19-cv-04529

Amount of Money or Other
Relief Sought: Declaratory Relief

8. Case Name: State Farm Automobile Insurance
Company v. City of San Jose
Name(s) of Party(ies) STATE FARM MUTUAL AUTOMOBILE
COMPANY, TUAN QUOC NGUYEN AND
CITY OF SAN JOSE
Court: Santa Clara County Superior Court
Case No: 21CV391834
Amount of Money or Other Damages according to proof
Relief Sought:

9. Case Name: Sahid, Jeffrey v. City of San Jose, et al.
Name(s) of Party(ies) JEFFREY SAHID, CITY OF SAN JOSE
Court: Superior Court of California, County of
Santa Clara
Case No: 20CV363491
Amount of Money or Other Damages according to proof
Relief Sought:

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:
Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code:
Number of matter(s) to be discussed: 1

**C. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO
GOVERNMENT CODE SECTION 54957:**

Department or Agency: Independent Police Auditor's Office
Title: Independent Police Auditor

**D. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT
CODE SECTION 54957.6:**

City Negotiator: Jennifer Schembri, Director of Employee Relations
Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **Association of Engineers & Architects (AEA)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)

How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150

2. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary

How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150

3. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement

How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150

4. Organization or Name and Title of Unrepresented Employees: **Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO
- How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150