



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: SETTLEMENT OF LAWSUIT
FILED BY JAISHREE VARSHNEY

DATE: October 27, 2022

RECOMMENDATION

Approve the settlement of a lawsuit brought by Plaintiff Jaishree Varshney in the total amount of \$1,500,000 and authorize the City Attorney to execute a settlement agreement.

OUTCOME

Settlement of the personal injury lawsuit brought by Plaintiff Jaishree Varshney in the total amount of \$1,500,000. Each side will bear its own costs and attorney fees.

BACKGROUND

Plaintiff filed a personal injury lawsuit in Santa Clara County Superior Court against the City of San Jose and a retired fire engineer of the San Jose Fire Department stemming from an accident between a fire engine and Plaintiff's vehicle on June 23, 2019. As a result of that accident, Plaintiff sustained disabling physical injuries, and sought damages for medical expenses, future care, and pain and suffering. The settlement will resolve all of Plaintiff's 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 plaintiff the total sum of \$1,500,000 in full satisfaction and settlement of all claims, and Plaintiff will dismiss her entire lawsuit with prejudice. 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 November 1, 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