



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** SETTLEMENT OF LAWSUIT  
FILED BY JACOB FLORES

**DATE:** November 21, 2019

## **RECOMMENDATION**

Approve a settlement of a lawsuit brought by Jacob Flores in the amount of \$60,000 and authorize the City Attorney to execute the settlement agreement.

## **OUTCOME**

Settlement of a lawsuit brought by Jacob Flores. The settlement amount includes attorney's fees and costs.

## **BACKGROUND**

Plaintiff was in a car that was stopped by San José police officers on December 22, 2016, in the Coy Park area of San José, at approximately 12:45 a.m. When asked to place his hands behind his back, Plaintiff stood up and officers believed he was trying to flee. Plaintiff claims he cooperated with the officers and they used excessive force when they then detained and handcuffed him.

## **ANALYSIS**

Under the proposed settlement, the Plaintiff will receive \$60,000 from the City. The settlement was negotiated in a mediation with all parties and a federal Magistrate Judge. A negotiated resolution avoids the risks of further litigation.

## **PUBLIC OUTREACH/INTEREST**

This memorandum and the settlement agreement are posted on the City's website for the December 3, 2019 agenda.

## **BUDGET REFERENCE**

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

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**CEQA**

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

RICHARD DOYLE  
City Attorney

By

  
KATHRYN J. ZOGLIN  
Senior Deputy City Attorney

cc: David Sykes, City Manager

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