

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle,
City Attorney

SUBJECT: SETTLEMENT OF LAWSUIT
FILED BY FRANK GUERRERO
AND ANTHONY BELCHER

DATE: November 26, 2019

RECOMMENDATION

Approve a settlement of a lawsuit brought by Frank Guerrero and Anthony Belcher in the total amount of \$375,000 and authorize the City Attorney to execute a settlement agreement.

OUTCOME

Settlement of personal injury lawsuit brought by Plaintiffs Frank Guerrero and Anthony Belcher. Each side will bear their own costs and attorney fees.

BACKGROUND

Plaintiffs were driving motorcycles on West Alma Avenue and were involved in an accident after hitting a large crack or crevice in the concrete roadway. The lawsuit alleged a dangerous condition of public property of which the City had notice.

ANALYSIS

Under the proposed negotiated settlement, the plaintiffs will receive a total of \$375,000 from the City. A negotiated resolution avoids the risks of further litigation.

PUBLIC OUTREACH/INTEREST

This memorandum and the Settlement Agreement have been posted on the City's website for the December 10, 2019 agenda.

COST SUMMARY/IMPLICATIONS

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: 
KENDRA E. MCGEE
Sr. Deputy City Attorney

cc: David Sykes, City Manager

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