



## *Memorandum*

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle,  
City Attorney

**SUBJECT:** SETTLEMENT OF LAWSUIT  
FILED BY ARABELLA MARIE  
QUINONEZ, ISAMAR PENA, AND  
CARLOS QUINONEZ

**DATE:** March 26, 2020

---

### **RECOMMENDATION**

Approve a settlement of a lawsuit brought by Arabella Marie Quinonez, by and through her guardian ad litem Patricia M. Bye; Isamar Pena; and Carlos Quinonez in the total amount of \$185,000 and authorize the City Attorney to execute a settlement agreement.

### **OUTCOME**

Settlement of personal injury lawsuit brought by Plaintiff Arabella Marie Quinonez, by and through her guardian ad litem Patricia M. Bye, as well as her parents Plaintiffs Isamar Pena and Carlos Quinonez. Each side will bear their own costs and attorney fees.

### **BACKGROUND**

Plaintiff Arabella Marie Quinonez was bit by a San Jose Police Department K-9 during a probation search and service of a felony warrant at her parents' residence. The subject of the search and service was not one of the parents. Arabella's parents were present at the time of the incident and witnessed the bite.

### **ANALYSIS**

Under the proposed settlement, Plaintiffs will receive \$185,000 from the City. The settlement was negotiated in a mediation with a retired superior court judge. 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 April 7, 2020 agenda.

HONORABLE MAYOR AND CITY COUNCIL

March 26, 2020

**Subject: Settlement of Lawsuit Filed by Arabella Marie Quinonez, by and through her guardian ad litem Patricia M. Bye; Isamar Pena; and Carlos Quinonez**

Page 2

**COST SUMMARY/IMPLICATIONS**

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

**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   
CARMEN E. DALPIAZ  
Deputy City Attorney

cc: David Sykes, City Manager

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