



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** Artie Lashbrook v. City of  
San José

**DATE:** April 3, 2020

## **RECOMMENDATION**

Approve a stipulated consent decree in the case of *Artie Lashbrook v. City of San José, et al.*, and authorize the City Attorney to execute the Consent Decree.

## **OUTCOME**

Approve negotiated consent decree to resolve lawsuit brought by Plaintiff Artie Lashbrook on behalf of the similarly situated class against the City of San José ("City"). Under the terms of the Consent Decree, the Plaintiff will recover a total of \$55,000. The City will pay attorney's fees and costs in the amount of \$734,627.50. The City will be required to expend \$13 million each year until 2030 to remediate sidewalk curb ramps. After 2030, the City will expend 10 percent of its pavement maintenance budget to remediate curb ramps. These expenditures are accounted for within the pavement maintenance budget.

## **BACKGROUND**

Plaintiff has filed a class action lawsuit entitled *Lashbrook v. City of San José*, pending in the United States District Court for the Northern District of California. This lawsuit alleges that the City violated federal and state disability access laws by failing to ensure that its pedestrian rights of way contain curb ramps that are accessible to individuals with Mobility Disabilities.

## **ANALYSIS**

The settlement of this case avoids the risks and costs of further litigation and trial. The consent decree will require judicial approval to become final.

**PUBLIC OUTREACH/INTEREST**

This memorandum and the settlement agreement have been posted on the City's website for the April 14, 2020 City Council agenda.

**COORDINATION**

The City Attorney's Office has discussed the terms of the proposed settlement with the Department of Transportation.

**COST SUMMARY/IMPLICATIONS**

Payments required under the Consent Decree will be paid out of the City's General Fund and the General Liability Claims reserve fund.

**CEQA**

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

By           /s/Jon Calegari            
JON CALEGARI  
Deputy City Attorney

cc: Dave Sykes, City Manager

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