



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.