

## **SAN JOSÉ CITY COUNCIL CLOSED SESSION AGENDA**

**November 17, 2020**

Place: Teleconference

Time: **9:30 a.m.**

Item(s) to be discussed:

### **A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

1. Case Name: Schumacher vs. City, et al.  
Name(s) of Parties(s) Involved: Jacob Schumacher, art individual, City of San Jose; County of Santa Clara: State of California, and DOES 1 - 25  
Court: Superior Court of California, County of Santa Clara  
Case No.: 1 9CV347642  
Amount of Money or Other Relief Sought: Damages according to proof
2. Case Name: Sutter's Place, Inc. dba Bay 101 v. City  
Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC. dba BAY 101; CITY OF SAN JOSE; the DIVISION OF GAMING CONTROL  
Court: Superior Court of California, County of Santa Clara  
Case No.: 1-13-CV-258057  
Amount of Money or Other Relief Sought: Damages according to proof
3. Case Name: City v. Silicon Quest International, Inc.  
Name(s) of Parties(s) Involved: CITY OF SAN JOSE; SILICON QUEST INTERNATIONAL, INC., a California Corporation, MYW HOLDINGS, LLC, a California Limited  
Court: Superior Court of California; County of Santa Clara  
Case No.: 18CV334631  
Amount of Money or Other Relief Sought: Damages according to proof

4. Case Name: Seibert v. City of San Jose, et al.  
Name(s) of Parties(s) Involved: GRANT SEIBERT, CITY OF SAN JOSE, SAN JOSE CIVIL SERVICE COMMISSION, DEBRA FIGONE AS SAN JOSE CITY MANGER, ALEX GURZA AS SAN JOSE DIRECTOR OF EMPLOYEE RELATIONS, WILLIAM MCDONALD AS FIRE CHIEF FOR SAN JOSE FIRE DEPARTMENT  
Court: Court of Appeal, Sixth Appellate District  
Case No.: H040268  
Amount of Money or Other Relief Sought: Damages according to proof
5. Case Name: Wallace, et al. v. City  
Name(s) of Parties(s) Involved: DARREN WALLACE; KEITH HART; MARK LEEDS, and other employees similarly situated; CITY OF SAN JOSE  
Court: U.S. Court of Appeals; Ninth Circuit; San Francisco Division  
Case No.: 18-16083  
Amount of Money or Other Relief Sought: Damages according to proof
6. Case Name: Barnett, et al. v. City  
Name(s) of Parties(s) Involved: DAVID BARNETT, DAVID LANG, KARREN AUGUSTINE, ALONZO OCHOA; CITY OF SAN JOSE  
Court: U.S. District Court; Northern District of California; San Francisco Division  
Case No.: 3:18-cv-01383-JD  
Amount of Money or Other Relief Sought: Damages according to proof
7. Case Name: Anderson, et al. v. City of San José & San José City Council  
Name(s) of Parties(s) Involved: SARAH ANDERSON, JOANA CRUZ, URBAN HABITAT PROGRAM AND HOUSING CALIFORNIA, CITY OF SAN JOSÉ, a governmental entity, SAN JOSÉ CITY COUNCIL, and DOES 1-50  
Court: Superior Court of California, County of Santa Clara  
Case No.: 16-CV-297950  
Amount of Money or Other Relief Sought: Damages according to proof

8. Case Name: Hotop, et. al v. City  
Name(s) of Parties(s) DEAN HOTOP; KEN SCHNEEBELI; JEFF ZELL;  
Involved: SHERMAN ZELL; LOIS ZELL; LOUISE PETER; SEIGI  
TADOKORO; PAT CREMA; SEAN RHINEHART;  
SHUCHUN HUANG; JAMES CAMPAGNA; SAL RUIZ;  
ISAAC AGAM; SMALL PROPERTY OWNERS  
ASSOCIATION-SAN JOSE; STEVE MAHL; LLOYD KIP,  
ROBERTA MOORE; DENG LUI; SHASTA CHEN;  
XIAODONG LI; ZHONGHUA PEI; XIAOCONG YE; CITY  
OF SAN JOSE  
Court: U.S. Court of Appeals; Ninth Circuit  
Case No.: 18-16995  
Amount of Money or Damages according to proof  
Other Relief Sought:
9. Case Name: Schneebeli, et al v. City  
Name(s) of Parties(s) KEN SCHNEEBELI; JEFF ZELL; STEVE MAHL; SMALL  
Involved: PROPERTY OWNERS ASSOCIATION-SAN JOSE; CITY  
OF SAN JOSE  
Court: U.S. District Court; Ninth Circuit  
Case No.: 19-15585  
Amount of Money or Damages according to proof  
Other Relief Sought:
10. Case Name: San Jose Tenant's Association v. City  
Name(s) of Parties(s) SAN JOSE TENANT'S ASSOCIATION; CITY OF SAN  
Involved: JOSE  
Court: U.S. District Court; Ninth Circuit  
Case No.: D.C. No. 5:18-cv-06800-LHK  
Amount of Money or Damages according to proof  
Other Relief Sought:
11. Case Name: Faz v. City, et al.  
Name(s) of Parties(s) GLENDELIA FAZ; CITY OF SAN JOSE and DOES 1-100  
Involved:  
Court: Superior Court of California; County of Santa Clara  
Case No.: 18-CV334698  
Amount of Money or Damages according to proof  
Other Relief Sought:
12. Case Name: Rodriguez v. City, et al.

Name(s) of Parties(s) Involved: JACINTO RODRIGUEZ; CITY OF SAN JOSE; CITY OF SAN JOSE DEPARTMENT OF PARKS, RECREATION AND NEIGHBORHOOD SERVICES; and DOES 1-25  
Court: Superior Court of California, County of Santa Clara  
Case No.: 18-CV-325784  
Amount of Money or Other Relief Sought: Damages according to proof

13. Case Name: City v. Coachella Valley Church, et al.  
Name(s) of Parties(s) Involved: CITY OF SAN JOSE; COACHELLA VALLEY CHURCH; COACHELLA VALLEY CHURCH, a corporation, REVERE GROUP, LLC; TSARS, LLC; VIKTORIA FOXX, an individual; PEOPLE OF THE STATE OF CALIFORNIA; CITY ATTORNEY OF SAN JOSE; CITY OF SAN JOSE  
Court: Superior Court of California; County of Santa Clara  
Case No.: 17CV320176  
Amount of Money or Other Relief Sought: Damages according to proof

14. Case Name: Villas at Santana Park Homeowners Association v. City of San Jose, et al.  
Name(s) of Parties(s) Involved: CITY OF SAN JOSE; FRIT SAN JOSE TOWN & COUNTRY VILLAGE, LLC  
Court: California Court of Appeals; Sixth Appellate District  
Case No.: H045644  
Amount of Money or Other Relief Sought: Damages according to proof

15. Case Name: Willow Glen Trestle Conservancy v. City, et al.  
Name(s) of Parties(s) Involved: WILLOW GLEN TRESTLE CONSERVANCY; CITY OF SAN JOSE, CITY OF SAN JOSE DEPARTMENT OF PUBLIC WORKS; and DOES 1-5  
Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction  
Case No.: 20-CV-367292

Amount of     Petition for Writ of Mandamus  
Money or  
Other Relief  
Sought:

16.            Case Name: Citizens for Free Speech and Equal Justice LLC v. City  
Name(s) of     CITIZENS FOR FREE SPEECH AND EQUAL JUSTICE LLC; CITY  
Parties(s)     OF SAN JOSE  
Involved:  
Court:     U.S. District Court; County of Santa Clara; San Jose Division  
Case No.:     5:20-cv-03905-VKD  
Amount of     Damages according to proof  
Money or  
Other Relief  
Sought:
17.            Case Name: City v. Agnes Lopes  
Name(s) of     CITY OF SAN JOSE; AGNES LOPES, an individual; THE AGNES  
Parties(s)     LOPES TRUST, by and through trustee Agnes Lopes  
Involved:  
Court:     Superior Court of California; County of Santa Clara  
Case No.:     19CV348656  
Amount of     Damages according to proof  
Money or  
Other Relief  
Sought:
18.            Case Name: City v. Nious Bebla and Doris Gewargis, et al.  
Name(s) of     CITY OF SAN JOSE; NIOUS BEBLA, an individual; and DORIS  
Parties(s)     GEWARGIS, an individual; and DOES 1-10, inclusive  
Involved:  
Court:     Superior Court of California; County of Santa Clara  
Case No.:     18CV334432  
Amount of     Damages according to proof  
Money or  
Other Relief  
Sought:
19.            Case Name: Bohren v. City, et al.  
Name(s) of     KEITH BOHREN, AKA ROXANNE; CITY OF SAN JOSE; SAN  
Parties(s)     JOSE POLICE DEPARTMENT; OFFICER AVILA, COUNTY OF  
Involved:     SANTA CLARA  
Court:     U.S. District Court; District of Northern California

Case No.: 5:20-cv-04529-BLF  
Amount of Damages according to proof  
Money or  
Other Relief  
Sought:

**20.** Case Name: Bosworth, et al. v. City, et al.  
Name(s) of JESSE BOSWORTH, NANCY BOSWORTH, and ELIZABETH  
Parties(s) CAMPBELL; CITY OF SAN JOSE; JENNIFER CLEAR; ROBERT  
Involved: FINNIE; MARIO TATOM; JUAN CEBALLOS; ROLANDO EGURA;  
ERIN ARA  
Court: U.S. District Court; Northern District of California  
Case No.: 5:18-cv-05459 NC  
Amount of Damages according to proof  
Money or  
Other Relief  
Sought:

**21.** Case Name: Johnson v. City, et al.  
Name(s) of ANDREW LEE JOHNSON; CITY OF SAN JOSE; COUNTY OF  
Parties(s) SANTA CLARA; DEPUTY RUBAN; MATTHEW REEVES; DEPUTY  
Involved: DOMINGUEZ; JEREH LUBRIN; JONATHAN BENSON; MARCO  
MONZON; JAMIE LEE HALL; TRENT TESSLER  
Court: U.S. District Court; District of Northern California  
Case No.: 5:18-cv-06264 NC  
Amount of Damages according to proof  
Money or  
Other Relief  
Sought:

**22.** Case Name: Bowles v. City, et al.  
Name(s) of JOHN BOWLES, CITY OF SAN JOSE, TODD YO, WILLIAM  
Parties(s) WOLFE, ERICK ENDERLE  
Involved:  
Court: U.S. District Court, Northern District of California  
Case No.: 5:19-cv-01027-NC  
Amount of Damages according to proof  
Money or  
Other Relief  
Sought:

- 23.** Case Name: Cotti, et al. v. City, et al.  
Name(s) of Parties(s) Involved: ALICE COTTI; VLADIMIR SERDYUKOV; COUNTY OF SANTA CLARA; SANTA CLARA COUNTY BOARD OF SUPERVISORS; SANTA CLARA DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES; SOCIAL SERVICES AGENCY; CITY OF SAN JOSE; SAN JOSE POLICE DEPARTMENT; BRAEDEN SULLIVAN; VALLEY MEDICAL; JESSICA LUM; STEVEN FRICK; JAMES GAMBLE; REBEKA'S CHILDREN SERVICES; WILL LIGHTBOURNE; JUVENILE DEPENDENCY COURT OF SANTA CLARA; POLICE DOE; SARAH GERHART; PA CHANG; ELIZABETH KERRIGAN; BARRY GRIGSBY; FRANCESCA RUE; AMY CHOI; NIKOLAS ARNOLD; PHU NGUYEN  
Court: U.S. District Court of Appeals; Ninth Circuit  
Case No.: 5:18-CV-02980-BLF  
Amount of Money or Other Relief Sought: Damages according to proof
- 24.** Case Name: Diamond SJ Enterprise Inc. v. City  
Name(s) of Parties(s) Involved: DIAMOND SJ ENTERPRISE INC.;  
Court: Superior Court of California; County of Santa Clara  
Case No.: 18CV324818  
Amount of Money or Other Relief Sought: Damages according to proof
- 25.** Case Name: Jane Doe v. University of Santa Clara, et al.,  
Name(s) of Parties(s) Involved: JANE DOE, SANTA CLARA UNIVERSITY, a private corporation; CITY OF SAN JOSE POLICE DEPARTMENT, a public entity; HUNG BUI, an individual; and DOES 1-100, inclusive;  
Court: Superior Court of California; County of Santa Clara  
Case No.: 20CV369814  
Amount of Money or Other Relief Sought: Damages according to proof
- 26.** Case Name: Dominguez, Jessica, et al., v. City of San Jose, et al.,  
Name(s) of Parties(s) JESSICA DOMINGUEZ, INDIVIDUALLY AND AS

Involved: GUARDIAN AD LITEM FOR JACOB DOMINGUEZ, JORDAN DOMINGUEZ AND JALIAH DOMINGUEZ, CITY OF SAN JOSE, SAN JOSE POLICE DEPARTMENT, MICHAEL PINA, and DOE POLICE OFFICERS 2 through 5,

Court: U.S. District Court, Northern District of California

Case No.: 5:18-cv-04826-BLF

Amount of Money or Damages according to proof  
Other Relief Sought:

**27.** Case Name: Garden City, Inc., et al., v. Hon. Catherine A. Gallagher (Ret.)

Name(s) of Parties(s) GARDEN CITY, INC., ALAN KAKIMOTO and MARIA  
Involved: HAGEN, HON. CATHERINE A. GALLAGHER (Ret.), THE  
CITY OF SAN JOSE DIVISION OF GAMING CONTROL

Court: Superior Court of California; County of Santa Clara

Case No.: 18CV333197

Amount of Money or Damages according to proof  
Other Relief Sought:

**28.** Case Name: Haidar v. City, et al.,

Name(s) of Parties(s) NABIL HAIDAR, CITY OF SAN JOSE, SAN JOSE POLICE  
Involved: DEPARTMENT, EDGARDO GARCIA, JOHNSON FONG,  
ROBERT LABARBERA, ANTHONY MATA, STEWART  
DAVIES, THOMAS BARNARD, and DOES 1-50, inclusive

Court: Superior Court of California; County of Santa Clara

Case No.: 18CV335617

Amount of Money or Damages according to proof  
Other Relief Sought:

**29.** Case Name: Hernandez v. City

Name(s) of Parties(s) JUAN HERNANDEZ, an individual; NATHAN  
Involved: VELASQUEZ, an individual; FRANK VELASQUEZ, an  
individual; RACHEL CASEY, an individual; MARK  
DOERING, an individual; MARY DOERING, an individual;  
BARBARA ARIGONI, an individual; DUSTIN HAINES-  
SCRODIN, an individual; ANDREW ZAMBETTI, an  
individual; CHRISTINA WONG, an individual; CRAIG  
PARSONS, an individual; I.P., a minor individual; GREG  
HYVER, an individual; and TODD BROOME, an  
individual, on behalf of themselves and all others similarly  
situated, CITY OF SAN JOSE, a municipal corporation;  
SAM LICCARDO, sued in his individual capacity;  
EDGARDO GARCIA, sued in his individual capacity;



ANTHONY YI, an individual; H.A., a minor individual;  
S.M., a minor individual; and DOES 1-38, individuals,

Court: U.S. District Court; District of Northern California

Case No.: 5:16-cv-03957 LHK

Amount of Money or Damages according to proof  
Other Relief Sought:

- 30.** Case Name: Kettmann, et al., v. City, et al.  
Name(s) of Parties(s) ANDREW KETTMANN, by and through his Guardian ad  
Involved: Litem, LARRY KETTMANN, CITY OF SAN JOSE and  
DOES 1-50,inclusive  
Court: U.S. District Court, Northern District of California  
Case No.: 19-cv-07925-NC  
Amount of Money or Damages according to proof  
Other Relief Sought:
- 31.** Case Name: Martin v. City, et al.  
Name(s) of Parties(s) ANDY MARTIN; CITY OF SAN JOSE; ALEXANDRE  
Involved: VIEIRA-RIBEIRO  
Court: U.S. District Court; District of Northern California  
Case No.: 3:19-cv-01227 EMC  
Amount of Money or Damages according to proof  
Other Relief Sought:
- 32.** Case Name: Estate of Nunez, et al. v. City of San Jose  
Name(s) of Parties(s) CITY OF SAN JOSE, MICHAEL SANTOS and ANTHONY  
Involved: VIZZUSI; TONY NUNEZ, individually and as a successor-  
in-interest to Decedent ANTHONY NUNEZ and THE  
ESTATE OF ANTHONY NUNEZ  
Court: U.S. District Court, Northern District of California  
Case No.: 17-CV-03860-LHK  
Amount of Money or Damages according to proof  
Other Relief Sought:

- 33.** Case Name: Robinson v. City of San Jose, et al.,  
Name(s) of Parties(s) Involved: NICHOLAS ROBINSON, CITY OF SAN JOSE, RYAN DOTE, JAIME MARIE KULIK, NICHOLAS PETTERSON, and DOES 1 through 20 inclusive  
Court: U.S. District Court, Northern District of California  
Case No.: 5:19-cv-06768-NC  
Amount of Money or Other Relief Sought: Damages according to proof
- 34.** Case Name: Rodriguez, et al., v. City, et al.,  
Name(s) of Parties(s) Involved: LORI RODRIGUEZ; SECOND AMENDMENT FOUNDATION, INC.; and CALIFORNIA GUN RIGHTS FOUNDATION, CITY OF SAN JOSE; SAN JOSE POLICE DEPARTMENT; and STEVEN VALENTINE,  
Court: Supreme Court of the United States  
Case No.: 19-1057  
Amount of Money or Other Relief Sought: Damages according to proof
- 35.** Case Name: Rubalcava v. City, et al.,  
Name(s) of Parties(s) Involved: LIONEL RUBALCAVA, AN INDIVIDUAL, CITY OF SAN JOSE, COUNTY OF SANTA CLARA, JOSEPH PEREZ, RAFAEL NIEVES, RAMON AVALOS, RON BALDAL, STEVEN SPILLMAN, TOPUI FONUA, LIEUTENANT TIBBET, EDGARDO GARCIA, MICHAEL BROWN, RICH TORRES, SERGEANT HAFLEY, DOUGLAS KALEAS, AND BRIAN GEER  
Court: U.S. District Court, Northern District of California  
Case No.: 5:20-cv-04191-BLF  
Amount of Money or Other Relief Sought: Damages according to proof
- 36.** Case Name: Sanderlin, et al., v City, et al.  
Name(s) of Parties(s) Involved: DERRICK SANDERLIN, CAYLA SANDERLIN, BREANNA CONTRERAS, PIETRO DI DONATO, SHANTE THOMAS, ADIRA SHARKEY, JOSEPH STUKES, CITY OF SAN JOSE, EDGARDO GARCIA, JASON DWYER, CHRISTOPHER SCIBA, JONATHAN BYERS, JARED YUEN  
Court: U.S. District Court, Northern District of California  
Case No.: 20-cv-04824  
Amount of Money or Other Relief Sought: Damages according to proof

Other Relief Sought:

- 37.** Case Name: San Jose Mercury News LLC v. City, et al.  
Name(s) of Parties(s) SAN JOSE MERCURY NEWS, LLC, CITY OF SAN JOSE;  
Involved: SAN JOSE POLICE DEPARTMENT; EDGARDO GARCIA,  
IN HIS CAPACITY AS CHIEF OF POLICE, SAN JOSE  
POLICE DEPARTMENT; and DOES 1-20  
Court: Superior Court of California; County of Santa Clara  
Case No.: 20-CV-368449  
Amount of Money or Damages according to proof  
Other Relief Sought:
- 38.** Case Name: Santa Cruz, Marissa and Paea I'suva Tukuafu v. City of San Jose; [FNU] Thompson; Saul Sepeda, et al.  
Name(s) of Parties(s) MARISSA SANTA CRUZ; PAEA I'SUVA TUKUAFU; CITY  
OF SAN JOSE; [FNU] THOMPSON; SAUL SEPEDA; and  
DOES 1-10, inclusive  
Court: US District Court Northern District of California  
Case No: 5:20-cv-00351-NC  
Amount of Money or Damages according to proof  
Other Relief Sought:
- 39.** Case Name: Calonge, et al., v. City of San Jose; et al.  
Name(s) of Parties(s) FRANCISCO CALONGE, individually and as the  
Involved: Successor-in-Interest to THE ESTATE OF FRANCIS  
CALONGE, CITY OF SAN JOSE, a Municipal  
Corporation organized under the laws of the State of  
California, EDWARD CAB RONI, an individual, and  
DOES 1-20, inclusive,  
Court: Superior Court of California; County of Santa Clara  
Case No.: 20CV368733  
Amount of Money or Damages according to proof  
Other Relief Sought:
- 40.** Case Name: Vasquez, et al., v. City, et al.  
Name(s) of Parties(s) MARIA ELENA VASQUEZ, individually and as co-  
Involved: successor-in-interest to Decedent JENNIFER VASQUEZ;  
JOSE DE JESUS RAMOS, individually and as co-  
successor-in-interest to Decedent JENNIFER VASQUEZ,  
CITY OF SAN JOSE, a municipal corporation; MARCO  
MERCADO, in his individual as a law enforcement officer  
for the San Jose Police Department; MITCHELL  
STIMSON, in his individual as a law enforcement officer  
for the San Jose Police Department; ELISCO ANAYA, in  
his individual as a law enforcement officer for the San  
Jose Police Department; MARK KOSKA, in his individual

as a law enforcement officer for the San Jose Police Department; and DOES 1-50, inclusive.

Court: US District Court Northern District of California

Case No.: 5:19-cv-8441-EJD

Amount of Money or Damages according to proof  
Other Relief Sought: