



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** Guerrero, et al., v. CSJ, et al.,  
Settlement Agreement

**DATE:** October 18, 2012

## RECOMMENDATION

Approve settlement and authorize the City Attorney to execute a Settlement Agreement and Release with Gesel Guerrero, Mayra Guerrero, Ysenia Guerrero and Juan Quezada (Plaintiffs), providing for payment to Plaintiffs and their attorneys in the amount of \$150,000, as considered by the City Council during Closed Session held on October 2, 2012.

## OUTCOME

Approve settlement to resolve a lawsuit brought by Plaintiffs related to their arrests on October 23, 2009.

## BACKGROUND

The four individual plaintiffs were arrested for violations of Penal Code Sections 242, 148 and 647(f) (assault and battery, interference with an officer and drunk in public). The arrests occurred after an altercation with the bouncers at a local night club. The charges against each plaintiff were dropped by the District Attorney's Office. The plaintiffs allege that excessive force was used in their arrests.

## ANALYSIS

There are always risks to proceeding with litigation. The settlement of these four cases is reasonable to avoid the costs and risks of proceeding to trial. In the case of alleged Civil Rights violations the exposure to the City for attorney fees often exceeds the value of each individual case. Here the City will pay a total of \$150,000 in costs and attorney fees to be divided by the four plaintiffs and their attorneys. This proposed settlement came about as a result of a mediation between the parties.

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**PUBLIC OUTREACH/INTEREST**

This memorandum and the settlement agreement are posted on the City's website for the October 30, 2012 agenda.

**COORDINATION**

This settlement has been coordinated with the Police Department and the City Manager.

**BUDGET REFERENCE**

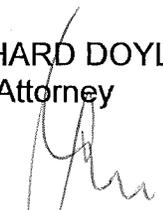
The settlement will be paid out of the City's General Liability Claims reserve fund, Appropriation 0018.

**CEQA**

Not a Project; File No. PP10-066h, Settlement Agreements.

RICHARD DOYLE  
City Attorney

By

  
CHRISTIAN B. NIELSEN  
Chief Deputy City Attorney

cc: Debra Figone, City Manager

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