

# CITY ATTORNEY'S OFFICE

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# ANNUAL REPORT

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## FY 2018-2019

Riverside  
County  
Courthouse



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# MESSAGE FROM THE CITY ATTORNEY

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It is my pleasure to present our fiscal year **2018-2019 Annual Report** for the Riverside City Attorney's Office. This year has presented many exciting challenges and our Office continues to provide top-notch legal advice, defend the City of Riverside and its officers and employees, as well as spearhead initiatives to increase community livability.

Whatever the challenge, our 37 attorneys and support staff have risen to the demand.

In addition to our long-term goal of reducing outside counsel costs, last year, our office realized the full benefits of "on-boarding" the Workers' Compensation and Claims function. Both had been outsourced for years at considerable cost. Last year alone, as a result of bringing these functions in-house, our office saved the City **over \$375,000**.

Finally, we are proud that the City's payouts (settlements, judgments and claims), were at a ten year low.

I am so proud of the work performed by the Office's amazing staff, and pleased to provide the highlights of their great work in this Annual Report.

A handwritten signature in black ink, which appears to read "Gary G. Geuss". The signature is fluid and cursive, with a large, sweeping initial "G" and "G".

Gary G. Geuss  
City Attorney

# YEAR IN REVIEW

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## FINANCIAL HIGHLIGHTS

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The 2018-19 budget for staff and operating costs was **\$6.5 million**, an increase from the previous year due to mandatory salary and benefit increases, as well as incorporating new functions such as workers' compensation and claims. This amount includes Measure Z funding of \$257,082 for community livability; \$220,907 for Claims Division; and \$239,961 for Community Advocacy Program.

The cost of outside counsel in FY 2018-19 was approximately \$392,000 more than the previous fiscal year, an increase of 27%. This increase is attributed to the defense of unforeseen lawsuits. The total cost of outside counsel was **\$1.792 million** compared to a five-year average of \$2.3 million.

The amount the City pays to resolve claims and lawsuits, including settlements and judgments, varies from year to year depending on the types of cases filed against the City. In FY 2018-19, the City paid **\$669,735** to claimants and plaintiffs, a **decrease** from the previous fiscal year of **\$3.84 million**.

## LITIGATION HIGHLIGHTS

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Five hundred thirty-five (535) claims were filed against the City in FY 2018-19. This is an increase over the last year and the five-year average due in large part to two events. First, the "Alta Dena Power Surge" which occurred on August 8, 2018, and second, the "Magnolia Water Main Break" which occurred on March 5, 2019. In FY 2018-19, forty-seven (47) lawsuits were filed against the City.

The Workers' Compensation unit began handling all cases internally. Since its inception, the City has **not sent a single case** to outside counsel. Furthermore, 27 cases were brought back from outside counsel.

In July 2018, the City Attorney's Office took over the claims function from Carl Warren, which has resulted in a savings of over \$200,000 per year.

## MUNICIPAL SERVICES DIVISION HIGHLIGHTS

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This division provides necessary and critical legal advice to the City Council, City officials, and all departments, boards and commissions. This includes drafting ordinances and resolutions; negotiating, drafting and reviewing contracts; drafting and reviewing various City documents and memoranda; and researching federal, state, and local law.

## PUBLIC SAFETY DIVISION HIGHLIGHTS

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The Public Safety Division was formed in June of 2017. This Division partners with Police, Fire, Code Enforcement and the citizens of Riverside to promote and maintain a safe and desirable living and working environment. The Team does proactive work on quality of life issues such as marijuana dispensary enforcement, nuisance abatement actions, receiverships, inspection warrants, and drafting quality of life ordinances.



In FY 2018-19, the City Attorney's Office played an integral role in Ward Action Team initiatives. Deputy City Attorneys work with Council Members, the District Attorney's Office and City Staff to solve community issues that affect quality of life and property values. Furthermore, the City Attorney's Office attends community meetings across the City to hear the concerns of Riversiders.

Finally, the Public Safety Division defends Riverside Police Department and Riverside Police Department Officers in civil lawsuits alleging civil rights violations. They handle all stages of the litigation from start to finish.

## FINANCIAL SUMMARY

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The budget for the City Attorney's Office pays for staff, operations and maintenance expenses. For the Fiscal Year 2018-19, the Office's operational budget was \$6.5 million, higher than prior years due to increased salary and benefit costs, and broadening our service to include workers' compensation and claims.

The City paid **\$669,735** to resolve claims, settle lawsuits and satisfy judgments. The City Council authorizes settlements of all claims and lawsuits that exceed \$25,000.

### REVENUE RECOVERED

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The Riverside City Attorney's Office seeks to recover the highest possible amount of revenues to fund City services. Our Office recovered revenues, including attorney's fees and costs, civil penalties, payments for damages, and other payments made to the City.

In FY 2018-19, the City Attorney's Office recovered **\$203,983**, in revenue for the City. The City collected \$88,417 in attorney fees from receiverships and medical marijuana dispensary actions.



# OFFICE PROFILE

The City Attorney's Office has four major functional teams:  
**Executive Team, Litigation Division, Public Safety Division, Municipal Services Division**

## EXECUTIVE/ADVISORY TEAM



The Executive Team includes the City Attorney, Gary G. Geuss, Chief Assistant City Attorney, Kristi Smith (Operations), Assistant City Attorney, Susan Wilson (Municipal Services), Assistant City Attorney, Robert Hansen (Litigation), Assistant City Attorney, Neil Okazaki (Public Safety) and the Administrative Services Manager, Susan Allen. Also pictured are Tiffany Burton, Theresa Arredondo, and Carmen Soto, Legal Support Specialists

## LITIGATION DIVISION



The Litigation Division advocates for the City's interests in claims and lawsuits filed against or on behalf of the City, its officers, employees and agencies. Lawsuits are litigated in the state and federal trial and appellate courts. Examples include high value personal injury cases, complex civil rights actions, personnel disputes, eminent domain actions, breach of contract, challenges to constitutionality of Riverside's laws, policies and procedures and inverse condemnation cases. Litigators take an

aggressive and strategic approach to manage liability and limit the City's financial exposure. At the same time, when liability is clear, as public servants, we advocate for a fair and just resolution.

This division also advises and works with the Human Resources Department on a variety of employee issues and advises the Ethics Board.

## CLAIMS FILED

Historically, claims were handled, for the most part, by a third party administrator, Carl Warren. Starting In July 2018, the City Attorney's Office took over the handling of tort claims. Since claims, many times, lead to lawsuits, numbers have been compiled and are reported here.

The number of claims for FY 2018-19 totaled 535.

**TABLE 1: TYPES OF CLAIMS RECEIVED**

Fiscal Year	Traffic Collision	Police Liability	Infrastructure	Employment	Other	Total
2014/15	78	28	268	2	111	<b>487</b>
2015/16	49	36	238	7	115	<b>445</b>
2016/17	56	27	243	1	155	<b>482</b>
2017/18	62	35	251	4	123	<b>475</b>
2018/19	75	23	298	3	136	<b>535</b>

## CLAIMS SETTLEMENTS

**TABLE 2: CLAIMS RESOLVED IN FISCAL YEAR 2013-18 (IN DOLLARS)**

Fiscal Year	Traffic Collision	Police Liability	Tree	Infrastructure (Non-tree)	Employment	Other	Total
2014/15	83,468	6,724	445,165	8,675	0	101,149	<b>\$645,181</b>
2015/16	46,361	3,905	525,196	74,381	0	133,469	<b>\$783,312</b>
2016/17	97,585	8,081	338,860	105,432	0	162,801	<b>\$712,759</b>
2017/18	108,934	934	192,908	163,522	0	29,987	<b>\$496,285</b>
2018/19	100,849	7,352	33,162	382,743	0	45,230	<b>\$569,336</b>

## LAWSUITS FILED

Lawsuits primarily arise in the following categories: traffic collision, police/civil liability, municipal infrastructure, employment/labor and a catch-all, "other."

In FY 2018-19, **47** lawsuits were filed against the City of Riverside. All categories for lawsuits are very consistent year to year with a five-year average of just over **38** lawsuits per year.



In this table, Police/Civil Liability does not include police-related vehicle accidents or personnel/labor matters; rather, these cases are included in the “Traffic Collision” or “Employment” categories respectively.

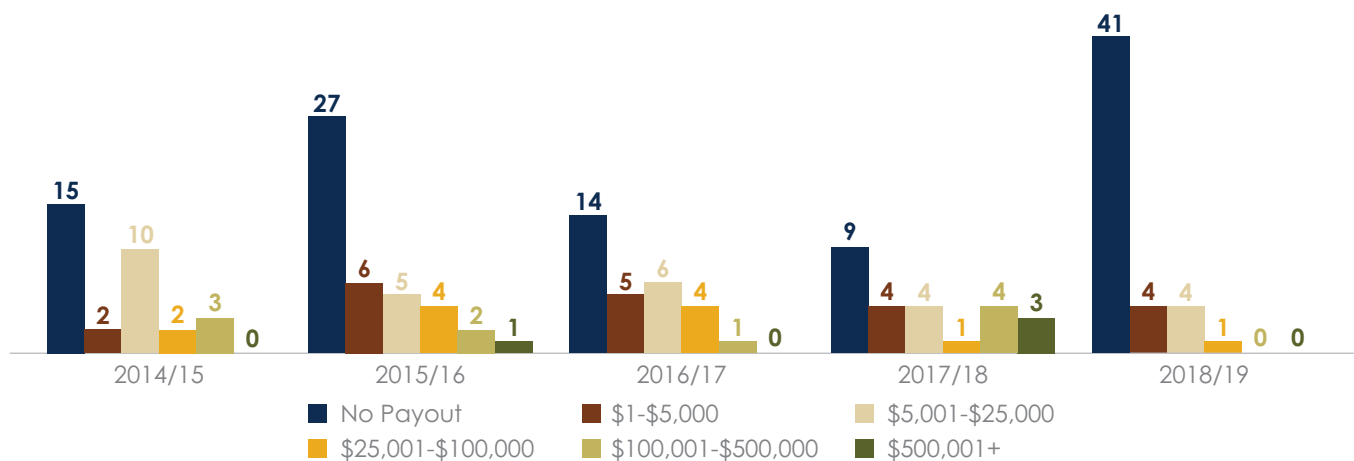
**TABLE 3: TYPES OF LAWSUITS RECEIVED**

Fiscal Year	Traffic Collision	Police Liability	Infrastructure	Employment	Other	Total
2014/15	7	3	13	2	8	33
2015/16	7	8	16	2	12	45
2016/17	3	2	6	1	15	27
2017/18	6	4	9	2	18	39
2018/19	13	2	15	2	15	47

## LAWSUITS RESULTS

When lawsuits are filed, our litigators work aggressively and strategically to protect taxpayer resources, reduce litigation costs and limit potential exposure by filing motions to dismiss defendants and causes of action, thereby narrowing the scope of defense. When liability is clear, we seek to resolve the matter early to limit the cost to taxpayers. Last year, most lawsuits (41 out of 49) were resolved with no payout.

**FIGURE 1: LAWSUITS RESOLVED OVER FIVE YEARS**

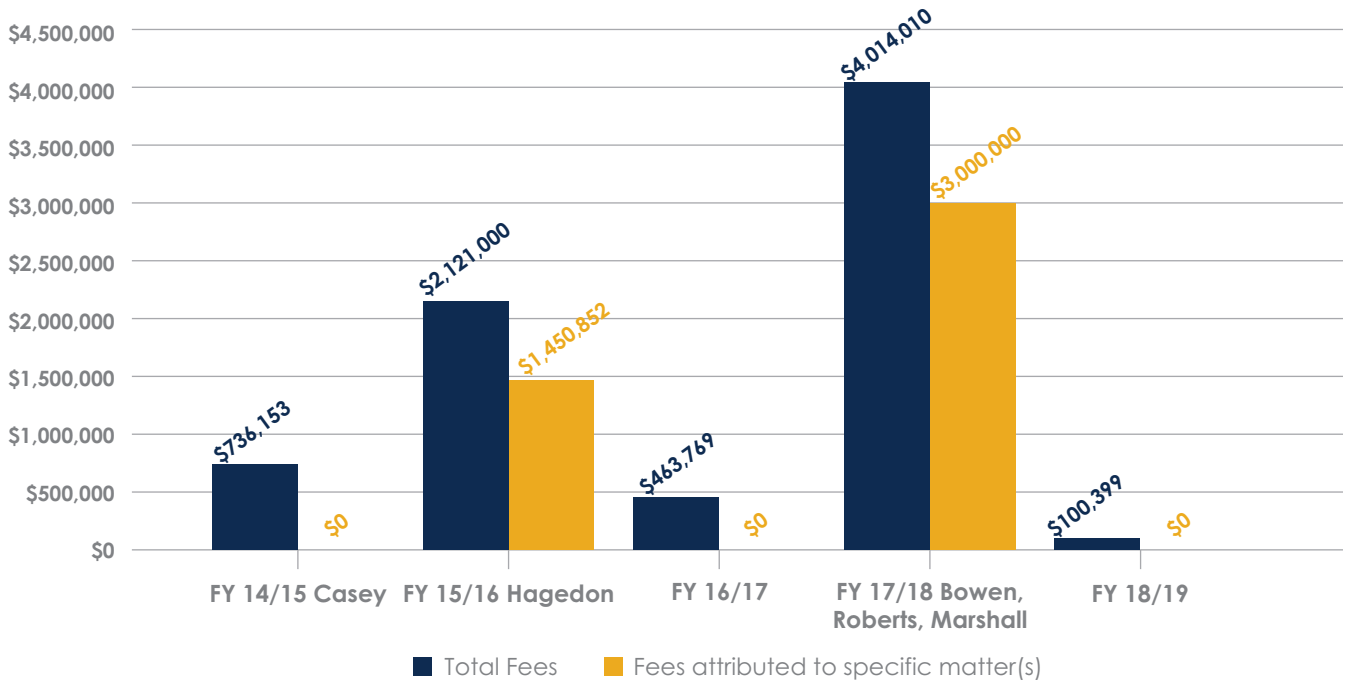


## PAYOUTS

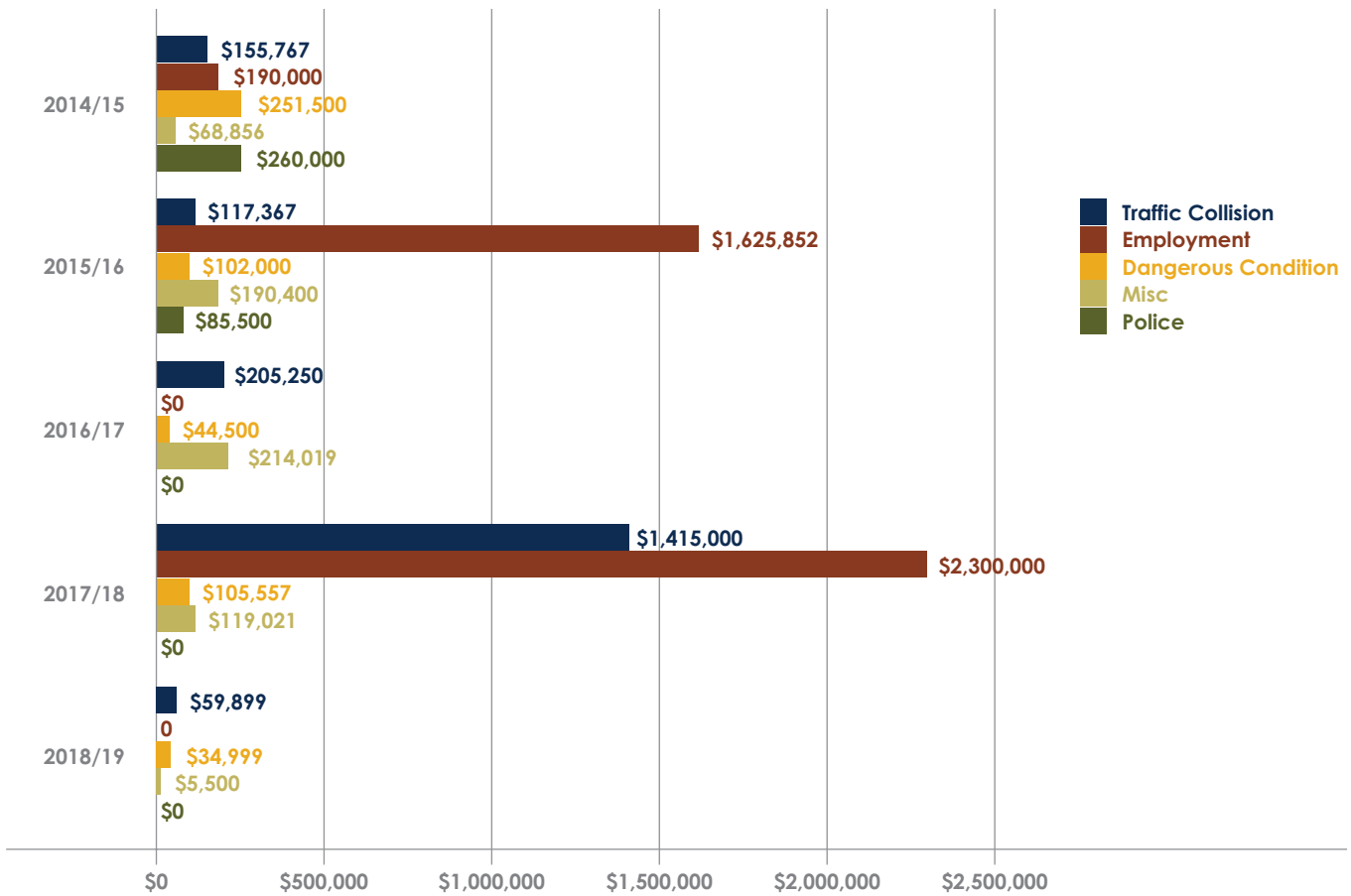
The City Attorney’s Office works aggressively to limit financial exposure. When liability is clear, the City seeks to protect taxpayer resources by settling for the lowest possible amount, thereby avoiding the risk of an adverse jury verdict that would cost taxpayers much more. The City Council approves all settlements in excess of \$25,000.

The total amount of payouts relating to settlements, verdicts and judgments for FY 2018-19 was **\$100,399**, a ten-year low.

**FIGURE 2: TOTAL SETTLEMENTS, VERDICTS AND JUDGMENTS**



**FIGURE 3: PAYOUTS BY CATEGORY**



## CLAIMS

The City, in the past, has contracted with third-party administrator Carl Warren for its handling of claims. The City has paid the following amount for this service the last five years:

**TABLE 4: THIRD-PARTY CLAIMS ADMINISTRATOR COSTS**

Fiscal Year	Amount
2014/15	\$195,480
2015/16	\$199,596
2016/17	\$199,596
2017/18	\$205,584
2018/19	0
<b>TOTAL</b>	<b>\$800,256</b>

In July 2018, the City Attorney's Office took this function in-house. The first benefit of this is obviously cost savings, but secondarily, it will enable the City to respond and document alleged dangerous conditions at the very earliest occasion. This will help in reducing payouts on these claims.

## WORKERS' COMPENSATION

Prior to January 2018, the City of Riverside contracted with outside counsel for all of its workers' compensation work.

In January 2018, the Riverside City Attorney's Office hired an experienced workers' compensation lawyer to handle the City's workers' compensation cases internally. Below is the historical data on the City's expenditures for the last five years:

**TABLE 5: WORKERS' COMPENSATION OUTSIDE COUNSEL COSTS**

Fiscal Year	Defense Costs
2014/15	\$279,603.85
2015/16	\$296,446.66
2016/17	\$366,747.12
2017/18	\$350,588.09
2018/19	\$176,431.88

Since January, **ALL** new litigated claims were kept in-house. Furthermore, of the existing 100 claims handled by outside counsel, **27** have been brought back in-house from outside counsel. The process of bringing these claims back in-house will continue this fiscal year saving even more taxpayer money.

For a list of litigation highlights and major cases, please see **Attachment A, page 16**.

# PUBLIC SAFETY DIVISION

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The Public Safety Division contributes to an outstanding quality of life in Riverside by managing neighborhood livability issues that are critical to the City of Riverside. Litigation lawyers work with staff to file public nuisance actions, prosecute violations of the Riverside Municipal Code and move distressed properties into receiverships to improve the quality of life for Riverside residents and businesses.

The City Attorney's Office provides support for the Community & Economic Development Department in situations where property owners and/or occupants flat out refuse to comply with code enforcement efforts. In these cases, Public Safety Division attorneys are called upon to find remedies to address these health and safety issues.

When a court places a property into a receivership or the property owner enters into a rehabilitation agreement, the City Attorney's Office collects outstanding code enforcement civil penalties and ensures that the property is brought into compliance.

This Division also closely advises and works with the men and women of the Riverside Police Department, the Riverside Fire Department, and the Code Enforcement Division. An attorney remains on-call at all times of the day and night for the Police Department and to respond to critical incidents as needed.

Furthermore, this Division defends civil lawsuits against the Riverside Police Department and its officers individually.

Recognizing that neighborhood livability is a critical issue in the City, the Public Safety Division pursues problem-solving approaches to quality of life violations found at homes, apartment complexes, motels, vacant properties, dump sites, and businesses throughout the City. Team members collaborate with residents, law enforcement, City departments and agency partners to address issues affecting the livability of Riverside neighborhoods. Where violators do not remedy ongoing problems, this Division pursues both traditional and innovative solutions. This includes aggressively pursuing lawsuits against nuisance businesses and property owners seeking injunctive relief and civil penalties; prosecuting violations of the Riverside Municipal Code; moving distressed properties into receiverships; and entering into enforceable agreements with the property owners to rehabilitate substandard properties. This is done to protect the public health, safety, and quality of life of Riverside's neighborhoods and business parks.

People living in Riverside want and deserve the highest quality of life in their neighborhoods. Division team members regularly attend community meetings and forums to engage with residents about the issues of importance in Riverside neighborhoods. When team members engage the community, this positively impacts livability and assists residents in playing a role in making their communities safe and secure. This Division also supports the valuable missions of

the Riverside Fire and Police Departments. This includes providing comprehensive legal advice to the Departments on operational issues, internal investigations, and critical incidents involving serious injury, death, and/or extensive property damage.

Team members also manage specialized litigation that defends the Police Department and its officers in complex federal civil rights cases arising out of the contact between citizens and law enforcement officers. Attorneys handle, from inception through trial, cases in which plaintiffs allege that their constitutional rights have been violated.

The Public Safety Division plays an active role in attending community meetings and staffing the Ward Action Teams. This enables its attorneys to understand the concerns of the community.

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### The following are Division highlights from the fiscal year:

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Attended **56** community meetings over the course of the year, fielding numerous questions from the public.

Took a grand total of **129** firearms off the street with Gun Violence Restraining Orders and Firearm Seizure Petitions.

Negotiated a rehabilitation agreement for a house in **Ward 3** and reached a settlement where the homeowner paid \$50,000 to resolve the Code Enforcement case.

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Led a multi-agency team in cleaning up a blighted strip mall in **Ward 1**, which resulted in the property owner hiring security seven days a week during business hours. The owner installed new landscaping, patched holes in the asphalt, and has submitted plans for a building renovation.



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Coordinated efforts to eradicate trash and debris left from trespassers and loiterers at a vacant commercial property on University Avenue in **Ward 2**. The Public Safety Division coordinated with new property owners to become a clean-up site to improve the overall surrounding area.

A rental home in **Ward 6** was the site of numerous vehicles (many inoperable) parked on the driveway, lawn, and curb. The Public Safety Division played a role in eventually bringing this to an end. The residence has been vacated and cleaned up.

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Violations of an injunction forbidding the residents of a house in **Ward 5** from having more than four dogs led the Public Safety Division to successfully pursue a contempt of court action and a jail sentence against the violator. The Building and Safety Division also red tagged the home. The residents were removed and the house was boarded up. An elderly female was found to be in medical distress by Adult Protective Services and taken to the hospital. In June 2019, the Public Safety Division coordinated with the Public Guardian, who initiated conservatorship proceedings for an elderly female resident. The main resident worked with Building and Safety to cure the violations.



## PUBLIC SAFETY LITIGATION

Litigation involving police departments is costly and poses significant financial risks to cities throughout the United States. The cost of resolving police litigation is alarming:

The cost of resolving police-misconduct cases has surged for big U.S. cities in recent years, even before the current wave of scrutiny faced by law-enforcement over tactics. The 10 cities with the largest police departments paid out \$248.7 million last year in settlements and court judgments in police-misconduct cases, up 48% from \$168.3 million in 2010.

(“Cost of Police-Misconduct Cases Soars in Big U.S. Cities”, Wall Street Journal, July 15, 2015.)

Litigation costs can be so significant that some cities have actually been forced to disband their police departments. Therefore, it is important to have highly skilled attorneys representing law enforcement officers in civil rights litigation, and the Public Safety Division works closely with the men and women of the Riverside Police Department to bring about favorable results for their client officers and for the City.

Outside counsel costs are very high in police litigation. The City of Chicago reportedly spent \$20 million in 2016 on outside lawyers -- over \$100,000 on average per case -- to litigate 187 cases. Notwithstanding the high stakes and specialized skills required to manage police litigation, the Public Safety Division **has not sent a single new case to outside counsel in the past three years.** As a result, the Public Safety Division saved \$717,593 in when comparing outside counsel costs in 2018 to 2015.

12 MONTH RANGE	AMOUNT SPENT
2015	\$796,931
2017 (First Year of Public Safety Division)	\$182,198
2018	\$79,338
2018/19	\$176,431.88
<b>AMOUNT SAVED IN 2017 vs. 2015:</b>	<b>\$614,733</b>
<b>AMOUNT SAVED IN 2018 vs. 2015:</b>	<b>\$717,593</b>

## REVENUE RECOVERY

The law affords the City the right to recover its enforcement costs and attorney's fees resulting from certain enforcement actions. **During the last fiscal year, the Division collected \$203,983 from actions involving rehabilitation agreements, receiverships, and marijuana dispensary enforcement.** This money is transferred to the City's general fund.

## ADVISORY

The Public Safety Division provides comprehensive legal advice and training to the Riverside Police Department on policies, procedures, and risk management issues. Attorneys in this section also deliver around the clock "real time" advice to police personnel. In the past fiscal year, all four attorneys of the Public Safety Division participated in trainings of police supervisors and field training officers. The Division also provides principal advisory services to the Fire Department on issues relating to fire services operations, the Fire Prevention Bureau, the Urban Areas Security Initiative (UASI) Program, the Urban Search & Rescue program, and the Office of Emergency Management.

## GUN VIOLENCE RESTRAINING ORDERS

A Gun Violence Restraining Order ("GVRO") allows law enforcement agencies to proactively keep firearms out of the hands of people who are a danger to themselves or others. A GVRO is a civil order that temporarily eliminates an individual's right to own, possess, access, or control firearms, when that individual's access to firearms presents a danger of self-harm or harm to another person.

The Public Safety Division was the first agency to obtain a GVRO in Western Riverside County. Since the new law came into effect, the Public Safety Division has worked with RPD to take possession of 65 firearms through the new GVRO program.

# MUNICIPAL SERVICES DIVISION

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The Municipal Services Division provides legal services to the City and its departments on a wide range of municipal issues. Such services include negotiating contracts; drafting resolutions and ordinances; providing advice on issues ranging from public works construction, land use and planning, real estate transactions, finance issues, elections, ethics and conflicts of interest; defending the City in land use and CEQA lawsuits; and providing advice on water and electric utility issues. This division

focuses on providing thorough and comprehensive legal advice, issue spotting to minimize the risk of lawsuits against the City and assisting City staff in performing their functions in compliance with California and federal laws.

## Community and Economic Development Department

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We prepared over \$7,200,000 of grant agreements for Community Development Block Grants, Emergency Solutions Grants, Housing Opportunities for Persons with AIDS Grants, and HOME Investment Partnerships programs for various private and public entities.

We assisted on many affordable housing developments and programs, including a \$2,000,000 Housing Authority loan for the construction of an \$18,000,000 49-unit affordable housing project at 4070 Jackson Street; the development of City Housing Authority-owned property at 2825-2841 Mulberry Street, to construct ten cottage-style homes for chronically homeless individuals, funded with HOME Investment Partnership funds; advised on the disposition of Housing Authority-owned property at 11502 Anacapa Place, acquired using Neighborhood Stabilization Program funds; and the development of a two-unit affordable rental housing project, funded with HOME funds and private funding sources.

## Finance

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- We provide legal assistance for over \$877,000,000 in bond transactions, including Sewer Revenue (\$153,670,000), Main Library Construction (\$33,505,000), Galleria at Tyler Public Improvements (\$15,980,000), old Redevelopment Agency Bonds (\$74,435,000) and Series B (\$40,380,000). Electric and Water projects (\$560,000,000).
- We assisted California Baptist University with holding a public hearing for the issuance of the California Statewide Communities Development Authority Revenue Bonds in the amount of \$90,000,000.

## Innovation and Technology

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- We advised on the sale and transfer of unused City-owned public internet-routable internet protocol (IP) addresses which has resulted in a net revenue of over \$490,000 to the City.
- Provided ongoing legal guidance and assistance on issues involving cybersecurity, cyber breach prevention (including employee education), and cyber breach management to make the City's network and technical resources more secure in an increasingly hostile cybercrime environment.

## Office of Homeless Solutions

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- We have been called upon to creatively find solutions for the City's homeless issues. We prepared an agreement with Ride 2 Recovery to donate surplus and legally abandoned bicycles and bicycle parts for use by Riverside's homeless veterans as part of PROJECT HERO/ BIKES4VETS.
- We drafted a resolution declaring a shelter crisis, which increased the City's ability to shelter homeless individuals.
- We worked on the Grove Community Church Housing Project, a collaboration between the Grove Community Church, local developers, and the City to build supportive housing for low-income households.
- We drafted an agreement for the Landlord Incentive Program, which utilizes existing rental units to assist chronically homeless individuals.
- We worked on the Riverside at Work Program, under which the City partnered with local businesses to connect housing program participants to local employment and job training opportunities.

## Public Utilities

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- We represented the City for the permitting of our proposed high voltage transmission project, including submitting prepared testimony from eight witnesses to the California Public Utilities Commission.
- Advised on the ongoing environmental permitting for the decommissioning of a closed nuclear power plant, resulting in the certification of an Environmental Impact Report by the State of California, to permit the demolition of the plant.
- Advised as to Low Carbon Fuel Standard regulations, which include rebates to all purchasers of electric vehicles in the City.
- Provide legal advice to the City's Agricultural Water Task Force, which is a City-appointed citizens' group tasked with making recommendations to the City Council on agricultural water rates.

# INTERNSHIP PROGRAM

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The City Attorney's Office has an internship program that selects highly qualified law students enrolled at ABA-accredited law schools to obtain invaluable practical legal experience for school credit. The internship experience at the City Attorney's Office is distinguishable because interns are given legal assignments with real responsibility and hands on supervision and feedback. Interns perform legal research on a number of issues facing the City. The program provides a supportive and mentoring work environment that encourages problem-solving, sound boarding approaches, and working towards achievable results. By working on actual pending legal matters, interns gain the skills and confidence needed to become effective attorneys.

In FY 2018-19, the City Attorney's Office utilized 1,192 volunteer hours (a 236% increase from the preceding fiscal year) through its internship program, which is coordinated by Deputy City Attorney Rebecca McKee.

# OUTSIDE COUNSEL

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## PROTOCOL

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Riverside hires outside counsel to handle legal work (1) when outside expertise is needed, (2) when the City, a City board or commission, an employee, the City Attorney or other City official has a conflict of interest, or (3) when the office lacks in-house capacity to handle the volume of legal work.

In FY 2015-16, the City Attorney, for the first time, established new outside counsel retention policies that included (1) formalizing the outside counsel panel of firms, (2) placing all outside firms under active contracts, (3) standardizing billable hour criteria, (4) quarterly reporting to City Council of spending for all open matters, and, (5) implementing a "lowest billable rate" for Riverside cases to ensure the City is billed at the lowest rate of any of the other clients of that law firm.

The main purposes of these new policies is to save taxpayer dollars by encouraging competition, increasing transparency and constant review.



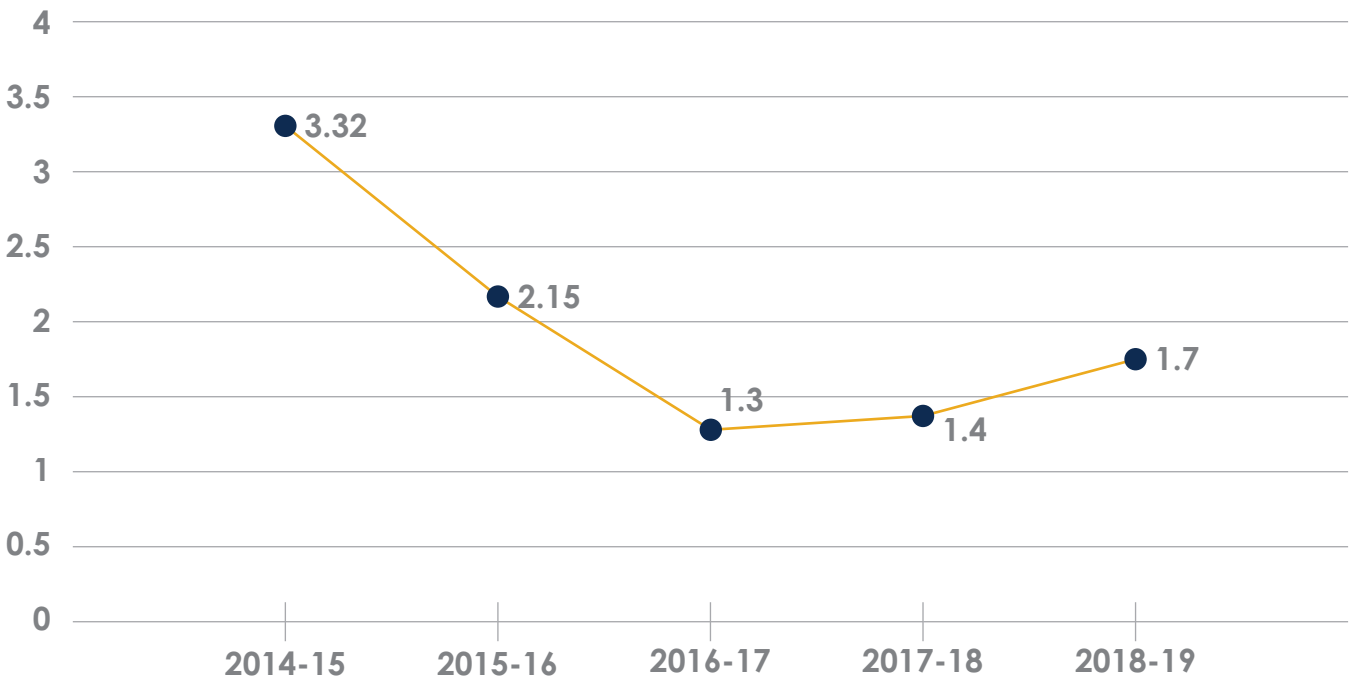
## COST ANALYSIS

In FY 2018-19, the cost of outside counsel was \$1.792 million, an increase of approximately 27% from the previous fiscal year. This amount is still less than the previous 5-year average of \$2.3 million. The increase is primarily due to use of outside counsel to defend the City in lawsuits challenging the former city manager's contract.

In order to reduce the amount spent for outside legal services, vacant attorney positions were filled with experienced litigators. Additionally, less-experienced litigation lawyers currently employed by the City Attorney's office were paired with experienced trial lawyers in an effort to "mentor" and groom trial skills. This change of philosophy not only reduces dependency on outside counsel, but also ultimately reduces settlement amounts.

The need for outside counsel varies from year to year, sometimes dramatically, depending upon the number of in-house staff in the City Attorney's Office and the volume, complexity and types of legal issues the City is addressing. That being said, the trend line remains very positive, resulting in millions of dollars in annual savings to the City of Riverside.

**FIGURE 4: OUTSIDE COUNSEL TIMELINE**



# ATTACHMENT A

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## SIGNIFICANT MATTERS

### **City of Riverside v. Rubidoux Community Services District**

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The City provides sewage treatment service for other entities. Rubidoux refused to pay for certain upgrades to the City's \$250 million upgrade to the sewer treatment plant. The court ruled that Rubidoux owed its proportionate share of this project, a great victory for the City of Riverside.

### **Summer Parada v. City of Riverside**

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The City obtained a favorable judgment against a taxpayer lawsuit challenging the City's electric utility user tax. The lawsuit alleged that the City over-collected \$2,000,000 annually.

### **Lorenzo Pitts v City of Riverside**

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This matter was consolidated with *Cassandra Salto v. City of Riverside, et al.* These two personal injury cases arise from the June 13, 2016, collisions between a Riverside PD Ford Explorer SUV, an RTA bus, and Ms. Salto's car in the intersection of Alessandro Blvd. and Meridian Parkway. RPD Officer Eric Hibbard was in "Code 3" pursuit (lights and siren activated) of a stolen car. As Officer Hibbard approached the intersection against a red light, the RTA bus driver proceeded into the intersection on a green light and the vehicles collided. The RTA bus then collided with Ms. Salto's car. Pitts, et al., (passengers on the RTA bus) and Salto sued for personal injuries.

**The Court granted the City's summary judgment motion as to both complaints.**

### **Jeffrey Burtis v City of Riverside**

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Jeffrey Burtis v. City of Riverside arises from the June 7, 2016, collision between Mr. Burtis, who was driving southbound on Main Street, and Mr. Cervantes, who was driving northbound on Main Street and in the process of turning left onto First Street. Mr. Burtis sued the City on the theory of dangerous condition of public property pursuant to Government Code section 835 contending that there is a slope and "dip" in southbound Main Street approaching the intersection with First Street, which prevents vehicles southbound on Main Street from being seen.

Mr. Burtis contended he suffered a traumatic brain injury as well as a compound fracture of his leg. Plaintiff's demand at mediation was \$2,000,000. **The Court granted the City's Motion for Summary Judgment.**

## Lisabeth Giolito v City of Riverside

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International model Elisabeth Giolito filed suit against both the City and County of Riverside for negligence arising out of a dog bite attack that left her face permanently disfigured and altered. The Doberman was a stray allegedly sourced from the City of Riverside and later adopted to the Giolito family through the City's contract for animal control services with the County of Riverside. Plaintiff asserted causes of action including strict liability for dog bite and a statutory claim for placing a dog with 'known vicious propensities' for adoption through the City's agent: the County of Riverside. Plaintiff asserted unspecified medical expenses, 'significant' loss of income, and a general damages claim in excess of \$2 million. Given her occupation, significant income and high profile status, City took the lead in aggressively analyzing and defending the suit at the early stages.

## Manuel Jamie-Gonzalez v. County of Los Angeles, et al

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The City was named in a high exposure federal civil rights lawsuit arising from a large-scale drug trafficking investigation. The Plaintiff named 27 defendants from various law enforcement agencies, including one Riverside police officer, who was on a special assignment drug task force. Plaintiff claimed he was wrongly identified as a drug supplier based on inaccurate DMV records identifying him as the registered owner of a vehicle that was used in a drug transaction. Plaintiff claimed he had sold the vehicle six months before. Plaintiff ended up serving 16 months in jail and claimed to have been assaulted by correctional officers while incarcerated. Prosecutors allegedly dropped charges after verifying that Plaintiff did not actually own or possess the vehicle at the time of the drug bust. Plaintiff sought in excess of \$5,000,000 for false arrest, false imprisonment, unreasonable seizure, and excessive force. Deputy City Attorney Rebecca McKee challenged the lawsuit by filing several Motions to Dismiss. **The federal judge granted the motion and dismissed both the City and its officer from the case.**

## Brandy Scott, et al. v. County of Riverside, et al

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A school staff member noticed a large dark bruise on Plaintiff's son's inner thigh. When the child was asked how he got the bruise, he initially told the school staff member that his mother did it. This information prompted an investigation by social workers and police officers. Plaintiffs sued the City, a Riverside police officer (along with the County, various social workers, Riverside Unified School District, and school staff) for civil rights violations. Deputy City Attorney Rebecca McKee communicated the City's defenses and on the brink of filing a dispositive motion for summary judgment, Plaintiffs' **counsel agreed to dismiss both the City and the officer from the lawsuit.**

## Nicole Onstad v. City of Riverside

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Plaintiff alleged that several officers used excessive force to slam plaintiff to the ground and arrest her. Plaintiff admitted to being intoxicated prior to and during the arrest. The City was able to obtain video evidence to contradict plaintiff's claims against the officers. Assistant City Attorney Neil Okazaki and Deputy City Attorney Aaron Chandler settled with Nicole Onstad for **one dollar** in exchange for her dismissal of the complaint with prejudice. Plaintiff was demanding \$2 million in damages, plus punitive damages.

### Paul Silva v. Historic Mission Inn, et al.

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Two families were standing in line waiting to see the holiday lights at the Mission Inn when a physical altercation between the families erupted. Plaintiff sued both the Mission Inn and the City. As a result of efforts of Deputy City Attorney Rebecca McKee, **Plaintiff dismissed the City from the lawsuit on May 9, 2019.**

### Jon Humes v. Haskell

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This case involved an inmate convicted and incarcerated for sexual acts against a minor. This lawsuit was against a Riverside Police Officer alleging that his role as RPD's registered sex offender compliance officer violated Plaintiff's civil rights. **Assistant City Attorney Neil Okazaki successfully filed a Motion to Dismiss the lawsuit in federal court.**

### Robert Mirashafiee v. City of Riverside

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This case involved claims of excessive force and false arrest against Riverside police officers. Plaintiff alleges he was escorted by security guards out of a nightclub for alleged intoxication issues. At some point, plaintiff was beaten up and pepper sprayed. The police department responded to 9-1-1 call of a male subject who was too intoxicated to stand up. An officer arrived who in turn called an ambulance who took plaintiff to the hospital. Deputy City Attorney Aaron Chandler met to discuss the merits of the case and possible defenses the City would raise. Soon thereafter, **plaintiff dismissed the City of Riverside from the lawsuit.**

### City of Riverside v. Weedmart

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In this matter, an illegal marijuana dispensary was operating within the City of Riverside. The City Attorney's Office petitioned the court to appoint a receiver over the property to vacate the illegal marijuana dispensary. The receiver was appointed and abated the public nuisance. As the case came to an end, the Defendant property owners filed a motion with the court alleging the City of Riverside, along with Defendants, should bear the cost of the Receiver's time and effort for abating a public nuisance on Defendants' property. The City argued that it would be counterproductive to have the government agency, whose duty is to protect the public, to bear the costs for abating a public nuisance. The court held that the City should not bear the costs to abate a public nuisance, which was created or allowed by Defendant property owners. **Additionally, Deputy City Attorney Aaron Chandler was able to recover the City's attorney's fees and costs in this matter in the amount of \$10,000.**







**City of Riverside, City Attorney's Office**

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