



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle,
City Attorney

SUBJECT: SETTLEMENT OF LAWSUIT
FILED BY ARABELLA MARIE
QUINONEZ, ISAMAR PENA, AND
CARLOS QUINONEZ

DATE: March 26, 2020

RECOMMENDATION

Approve a settlement of a lawsuit brought by Arabella Marie Quinonez, by and through her guardian ad litem Patricia M. Bye; Isamar Pena; and Carlos Quinonez in the total amount of \$185,000 and authorize the City Attorney to execute a settlement agreement.

OUTCOME

Settlement of personal injury lawsuit brought by Plaintiff Arabella Marie Quinonez, by and through her guardian ad litem Patricia M. Bye, as well as her parents Plaintiffs Isamar Pena and Carlos Quinonez. Each side will bear their own costs and attorney fees.

BACKGROUND

Plaintiff Arabella Marie Quinonez was bit by a San Jose Police Department K-9 during a probation search and service of a felony warrant at her parents' residence. The subject of the search and service was not one of the parents. Arabella's parents were present at the time of the incident and witnessed the bite.

ANALYSIS

Under the proposed settlement, Plaintiffs will receive \$185,000 from the City. The settlement was negotiated in a mediation with a retired superior court judge. A negotiated resolution avoids the risks of further litigation.

PUBLIC OUTREACH/INTEREST

This memorandum and the Settlement Agreement have been posted on the City's website for the April 7, 2020 agenda.

HONORABLE MAYOR AND CITY COUNCIL

March 26, 2020

Subject: Settlement of Lawsuit Filed by Arabella Marie Quinonez, by and through her guardian ad litem Patricia M. Bye; Isamar Pena; and Carlos Quinonez

Page 2

COST SUMMARY/IMPLICATIONS

The settlement will be paid from the City's claims reserve fund.

CEQA

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

RICHARD DOYLE, City Attorney

By 
CARMEN E. DALPIAZ
Deputy City Attorney

cc: David Sykes, City Manager

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