



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: SETTLEMENT OF LAWSUIT
FILED BY GUADALUPE MARIN

DATE: May 30, 2024

RECOMMENDATION

Approve the settlement in the case of *Marin v. City of San Jose, et al.* in the total amount of \$350,000 and authorize the City Attorney to execute a settlement agreement.

OUTCOME

Settlement of the civil rights lawsuit brought by Plaintiff Guadalupe Marin in the total amount of \$350,000. Each side will bear its own costs and attorney fees.

BACKGROUND

Plaintiff filed a civil rights lawsuit in the United States District Court for the Northern District of California against the City of San Jose and two police officers with the San Jose Police Department, arising from Plaintiff's arrest on July 22, 2020. As a result of that incident Plaintiff sustained physical and emotional injuries and sought damages for medical expenses and pain and suffering. The settlement will resolve all of Plaintiff's claims for damages, including any future damages, as well as any attorneys' fees and costs.

ANALYSIS

This is a negotiated settlement between the parties to avoid the risks inherent in litigation. The City will pay plaintiff the total sum of \$350,000 in full satisfaction and settlement of all claims, and a judgment will be entered solely against the City for \$350,000. The proposed agreement will conclude the litigation without further cost, expense, or risk of loss to the City and City employees. The parties will bear their own respective attorneys' fees and litigation costs.

May 30, 2024

Subject: Settlement of Lawsuit Filed by Guadalupe Marin

Page 2

PUBLIC OUTREACH/INTEREST

This memorandum and the Settlement Agreement have been posted on the City's website for the June 11, 2024 agenda.

COST SUMMARY/IMPLICATIONS

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

CEQA

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

By /s/ Nora Frimann
NORA FRIMANN
City Attorney

cc: Jennifer Maguire, City Manager

For questions, please contact NORA FRIMANN, City Attorney, at (408) 535-1900