



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: NORA FRIMANN
City Attorney

SUBJECT: SETTLEMENT OF RIBEIRO V.
CITY OF SAN JOSE, ET AL

DATE: May 30, 2024

RECOMMENDATION

Approve the settlement in the case of *Cleber Giassi Ribeiro v. City of San José, et al.* in the total amount of \$85,000 and authorize the City Attorney to execute a settlement agreement.

OUTCOME

The City will pay the sum of \$85,000.00 to settle the lawsuit filed on June 17, 2021 entitled *Cleber Giassi Ribeiro v. City of San José, et al.* in the Superior Court of California, County of Santa Clara, case number 21CV384438.

BACKGROUND

This case arises from a two-vehicle collision involving Plaintiff and a Department of Public Works employee, at the intersection of Great Oaks Blvd. and Highway 85 on October 26, 2020. Plaintiff alleges he suffered neck pain and low back injuries, as well as pain and suffering, as a result of the accident. The settlement will resolve all of Plaintiff's claims for damages, including future damages.

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 \$85,000 in full satisfaction and settlement of all claims, and Plaintiff will dismiss his entire lawsuit against the City and all City employees with prejudice. 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.

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PUBLIC OUTREACH / INTEREST

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

COST SUMMARY/IMPLICATIONS

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

CEQA

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.