



MEMORANDUM

TO: VICTOR CARDENAS, INTERIM CITY MANAGER
FROM: TIA GRONLUND-FOX, DIRECTOR OF HUMAN RESOURCES
SUBJECT: LITIGATION UPDATE
DATE: MAY 3, 2023

Mayor and Council –

FYI

- Victor

CONFIDENTIAL

In 2017 an employee of the Department of Public Works was injured on the job when a piece of equipment fell on his shoulder. As a result, the employee was found incapable of performing his normal job functions and was unable to return to work.

In 2021 he filed a lawsuit against the City. The City is represented in this lawsuit by legal counsel, McGraw Morris, through our property and liability insurance carrier, Tokio Marine. The parties (the former employee, the City, and the City's insurance carrier) have met on several occasions in an attempt to settle this matter out of court; however, all involved have been unable to reach an agreed-upon settlement. The City has met its insurance deductible for this case, and therefore any settlement payment or jury verdict will be paid by the insurance carrier. Currently, the case is set for trial in mid-July, 2023.

Additionally, this past April, the same employee filed another suit against the City's worker compensation insurance carrier. This matter will be handled by a separate attorney who is retained by the insurance carrier. This separate matter is set to be heard by a magistrate later this month.

I will share any further updates as they become available.