



City of San Antonio

Agenda Memorandum

File Number:13-910

Agenda Item Number: 29.

Agenda Date: 11/7/2013

In Control: City Council A Session

DEPARTMENT: City Attorney's Office

DEPARTMENT HEAD: Michael D. Bernard, City Attorney

COUNCIL DISTRICTS IMPACTED: City-Wide

SUBJECT:

Settlement of *Ramirez v. City of San Antonio* lawsuit

SUMMARY:

This ordinance authorizes the settlement of a federal lawsuit styled *Lisandro Ramirez v. Joe Castaneda and the City of San Antonio*, Civil Action Number 5:12-CV-00810-ORG pending in the U.S. District Court, Western District of Texas, San Antonio Division in the amount of \$175,000.00 payable from the Self-Insurance Liability Fund.

BACKGROUND INFORMATION:

On March 3, 2012, San Antonio Police Officers responded to a police call at the Midtown Inn and Suites. During this call, Lisandro Ramirez was injured. Mr. Ramirez has brought this lawsuit against the City and Officer Joe Castaneda alleging excessive force.

Mr. Ramirez has incurred medical expenses of approximately \$40,000 and will incur additional medical expenses in the future. Mr. Ramirez also claims lost income in the past and future as a result of his injuries.

The parties have reached an agreement to settle all claims against Officer Castaneda and the City for \$175,000 subject to City Council approval.

ISSUE:

Settlements over \$50,000 must be approved by City Council.

ALTERNATIVES:

If the settlement agreement is not approved by City Council, the case will proceed to trial. It is in the best interest of the City to settle this matter to avoid the uncertainties and risks associated with a jury trial

FISCAL IMPACT:

If approved, the \$175,000 settlement amount will be paid to Lisandro Ramirez and his attorneys of record, Jeff Edwards and Robert Melendez. This settlement will be funded in accordance with the FY 2014 Liability Fund Adopted Budget.

RECOMMENDATION:

Staff recommends approval of this ordinance.