

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
TUESDAY, OCTOBER 4, 2016
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rules for Noticing and Conduct of Closed Session Meetings, adopted by Resolution No. R-310153 on Tuesday, December 8, 2015, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 9:00 a.m. Council meeting.**

Conference with Legal Counsel – existing litigation, pursuant to California Government Code Section 54956.9(d)(1):

CS-1 *City of San Diego v. Palomar Community College District*
San Diego Superior Court Case No. 37-2016-00024225-CU-MC-CTL

DCA Assigned: G. Spitzer

This case involves a challenge by the City of San Diego under the California Environmental Quality Act to the Palomar Community College District. The City Attorney’s Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-2 *Marilyn McGaughy v. Robert Filner, et al.*
San Diego Superior Court Case No. 37-2014-00010580-CU-PO-CTL
Risk Management Department Claim File No. 8492

DCA Assigned: G. Schaefer

Plaintiff is suing the City of San Diego and former Mayor Robert Filner for sexual battery at an elementary school event and related claims. The City Attorney’s Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-3 *David Kennedy v. City of San Diego*

San Diego Superior Court Case No. 37-2016-00029460-CU-WM-CTL

DCA Assigned: R. Stephan

This case involves a petition for writ of mandate by Plaintiff regarding fluoridation. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-4 *Randy Edelbrock v. City of San Diego*

San Diego Superior Court Case No. 37-2015-00033372-CU-NP-CTL

DCA Assigned: R. Stephan

This cases arises from an incident involving a falling tree branch. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-5 *Wells Fargo & Co. v. City of Miami*

801 F.3d 1258 (11th Cir. 2015), *cert. granted*, 136 S. Ct. 2545 (2016) (No. 15-1112), consolidated with

Bank of America Corp. v. City of Miami

800 F.3d 1262 (11th Cir. 2015), *cert. granted*, 136 S. Ct. 2544 (2016) (No. 15-1111)

DCA Assigned: M. Nuesca

These cases seek to preserve cities' right to sue discriminatory mortgage lenders for violating the federal Fair Housing Act. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.