

REVISED
CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION AGENDA
FOR
MONDAY, MAY 11, 2026, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101

Virtual Participation: <https://sandiego.gov/councilmtg>

To join by telephone: Dial 1-669 254 5252 + input Webinar ID: 160 943 0466

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 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 Agenda. **Public testimony for this Closed Session Agenda will be taken today during the 10:00 a.m. Council meeting.** Court records about existing litigation are available to the public on the San Diego Superior Court’s Website <http://www.sdcourt.ca.gov> and Register of Actions <http://odyroa.sdcourt.ca.gov>.

CONSENT ITEMS

Staff presentations on Consent items will be waived unless a request is made by any Councilmember for a specific item to be heard during the Discussion portion of the Closed Session agenda. Requests may be made by notifying the Mayor or presiding officer.

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

CS-1 *In Re: National Prescription Opiate Litigation*

United States District Court – Northern District of Ohio – Eastern Division Case No. 1:17-md-2804 (MDL No. 2804)
Risk Management Department Claim File No. N/A

CDCA Assigned: K. King

Outside Counsel: Robbins Geller Rudman & Dowd LLP

The City has an opportunity to opt into proceedings against Associated Pharmacies, Inc., American Associated Pharmacies, J M Smith Corporation, Louisiana Wholesale Drug Company, Inc., Morris & Dickson Co., North Carolina Mutual Wholesale Drug Company, Inc., and United Natural Foods, Inc. in the nationwide prescription opiate litigation. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-2 *CAPP, Inc., et al. v. Discover Financial Services, et al. (Discover Card Merchant Class Action)*

United States District Court for Northern District of Illinois Case No. 1:23-CV-04676
Risk Management Department Claim File No. N/A

CDCA Assigned: K. King

The City has an opportunity to opt into litigation proceedings against Discover Financial Services for misclassifying certain Discover-issued consumer credit cards as commercial credit cards resulting in higher fees charged to merchants, including the City. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-3 *Matthew Bradley v. City of San Diego*

San Diego Superior Court Case No. 37-2021-00037216-CU-PO-CTL
Risk Management Department Claim File No. 24711

SCDCA Assigned: R. A. Stephan

This case arises out of an alleged skateboarding incident that occurred on September 26, 2019, on Abbott Street and Brighton Avenue, San Diego. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-4 *Blanca Julia Delgado v. City of San Diego*

San Diego Superior Court Case No.: 24CU022025C
Risk Management Department Claim File No. 31227

DCA Assigned: D. A. Ikeri

This case arises from a pedestrian tripping on a lifted metal storm drain cover on December 9, 2022, near the intersection of E. San Ysidro Boulevard and Camino De La Plaza. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-6 *Shoji & Ayako Matsumoto v. City of San Diego*

San Diego Superior Court No. 37-2024-00004038-CU-EI-CTL
Risk Management Department Claim File No. 34670

CDCA Assigned: S. A. Wigdor-Roberts

This case arises from the failure of a 18-inch corrugated metal storm drain pipe and resulting sinkhole which occurred on March 16, 2023, at 4030 North Hempstead Circle, San Diego. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

DISCUSSION ITEMS

CS-7 *Mary Brown, et al. v. Joe LaCava, et al.*

San Diego Superior Court Case No. 25CU025589C
Risk Management Department Claim File No. 40425

SDCA Assigned: M. T. Phelps

Outside Counsel: G. McWhirter, Jarvis Fay LLP

This case alleges the City's Solid Waste Management Fee violates Proposition 218. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

CS-5 *County Water Authority and City of San Diego v. State Water Resources Control Board*

Sacramento Superior Court Case Nos.:

23WM000010	34-2019-80003101
34-2022-80003840	34-2018-80002865
34-2021-80003611	34-2017-80002551
34-2020-80003348	

Risk Management Department Claim File No. N/A

DCA Assigned: M. L. Zollman

Outside Counsel: Somach Simmons & Dunn, A Professional Corporation

These cases arise from a regulatory fee dispute related to the proposed San Vicente Energy Storage Facility. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.