

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR TUESDAY, DECEMBER 7, 2021  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 ‘C’ STREET  
SAN DIEGO, CA 92101**

**REPORTING THE RESULTS OF THE CLOSED SESSION MEETING**

Only items that can be disclosed are reported out in the Open Session of the regular City Council meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. David J. Karlin, Senior Deputy City Attorney, reports the results of the Closed Session meeting of December 7, 2021, as follows:

**CLOSED SESSION MEETING FOR TUESDAY, DECEMBER 7, 2021, AT 11:00 A.M.**

**ROLL CALL:**

Present: Mayor Gloria, Council President Elo-Rivera, Council President Pro Tem Whitburn, and Councilmembers LaCava, Campbell, Montgomery Steppe, von Wilpert, Cate, Campillo, and Moreno.

Absent: Councilmember Cate, Council District 6, absent for CS-5.

**CLOSED SESSION ITEMS:**

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

**CS-1 *Eric Ball v. City of San Diego, et al.***

United States District Court Case No. 21cv0498-GPC (BGS)  
Risk Management Department Claim File No. 26182

CDCA Assigned: S. Tejura

Report: Nothing to report out.

**CS-2 *Joseph Bushman v. City of San Diego***

San Diego Superior Court Case No. 37-2019-00030754-CU-PO-CTL  
Risk Management Department Claim File No. 21042

SCDCA Assigned: C. Richardson

Report: Nothing to report out.

**CS-3 *In Re: National Prescription Opiate Litigation***  
Case No. 1:17-md-2804 (N.D. Ohio)

SCDCA Assigned: M. Ankcorn

Motion: To accept a signed settlement offer  
Moved: Council President Elo-Rivera, District 9  
Seconded: Councilmember Moreno, District 8  
Vote: Passed unanimously 9 to 0.  
Report: This item was reported out by Assistant City Attorney Leslie A. FitzGerald on  
Tuesday, December 7, 2021, at 5:49 p.m.

The City Council voted on Closed Session Item Number Three, *In Re: National Prescription Opiate Litigation*, Court Case Number 1:17-md-2804 (Northern District Ohio), to accept a signed settlement offer from one (1) opioid manufacturer and three (3) distributors for opioid abatement funds, whose exact amount will be determined by a number of complex factors including the number of settling entities and parties.

**CS-4 *False Claims Act Lawsuit***

SCDCA Assigned: M. Ankcorn

Report: Nothing to report out.

**CS-5 *Texas v. United States***  
Case No. 21-40680 (5th Circuit)

DCA Assigned: J. Rau

Motion: To participate in an amicus curiae filing  
Moved: Council President Elo-Rivera, District 9  
Seconded: Councilmember Campbell, District 2  
Vote: Passed 8 to 0, with Councilmember Cate absent.  
Report: This item was reported out by Assistant City Attorney Leslie A. FitzGerald on  
Tuesday, December 14, 2021, at 5:49 p.m.

The City Council also voted on Closed Session Item Number Five, *Texas v. United States*, Case Number 21-40680 (Fifth Circuit), to join in litigation as an amicus participant supporting the federal government's defense of the Deferred Action for Childhood Arrivals (DACA) program.

REPORTED BY: *David J. Karlin*

David J. Karlin  
Senior Deputy City Attorney