

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
CLOSED SESSION DOCKET  
FOR  
MONDAY, APRIL 28, 2014  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**NOTE:** In accordance with the San Diego City Council Permanent Rules for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, 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 2:00 p.m. Council meeting.**

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

**CS-1 *Marilyn McGaughy v. Robert Filner and City of San Diego***  
San Diego Superior Court Case No. 37-2014-00010580-CU-PO-CTL

DCA Assigned: J. Cordileone

Plaintiff Marilyn McGaughy filed suit against the City of San Diego and former Mayor Robert Filner alleging sexual battery, non-employment sexual harassment, and gender violence. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

**CS-2 *Save Our Heritage Organisation (SOHO) v. City of San Diego (Plaza de Panama)***  
San Diego Superior Court Case No. 37-2011-00095579-CU-WM-CTL

ACA Assigned: D. Worley

This case arises from SOHO's challenge to the Memorandum of Understanding between the City of San Diego and the Plaza de Panama Committee. The Court of Appeal has dismissed City's appeal of the trial court decision. The City Attorney will update the Mayor and City Council on the status of the litigation and seek direction.

**CS-3** *Coast Environmental Rights Foundation, Inc. v. City of San Diego*  
San Diego Superior Court Case No. 37-2010-00095062-CU-TT-CTL

*Coast Environmental Rights Foundation, Inc. v. City of San Diego*  
San Diego Superior Court Case No. 37-2010-00102574-CU-TT-CTL

*Coast Environmental Rights Foundation, Inc. v. City of San Diego*  
San Diego Superior Court Case No. 37-2011-00092008-CU-TT-CTL

*Coast Environmental Rights Foundation, Inc. v. City of San Diego*  
San Diego Superior Court Case No. 37-2011-00102639-CU-TT-CTL

DCA Assigned: L. FitzGerald

These cases allege that the City of San Diego has not complied with the California Environmental Quality Act with regard to park use and special event permitting. The City Attorney's Office will update the Mayor and City Council on the status of the litigation and seek direction.

**CS-4** *Lexin, Cathy, et al. v. City of San Diego*  
California Supreme Court Case No. S216280  
California Court of Appeal Case No. D062970  
California Court of Appeal Case No. D063856  
San Diego Superior Court Case No. 37-2011-00084354-CU-MC-CTL

*Lexin, Cathy, et al v. City of San Diego*  
San Diego Superior Court Case No. 37-2011-00100142-CU-MC-CTL

DCA Assigned: D. Karlin

In San Diego Superior Court Case No. 37-2011-00084354-CU-MC-CTL, the trial court ruled that the City of San Diego was required, pursuant to San Diego Resolution R-297335 (Nov. 18, 2002), to indemnify the criminal defense attorney's fees and costs incurred by six former members of the San Diego City Employees' Retirement System (SDCERS) Board in defense of the San Diego District Attorney's felony conflict of interest action. The Court of Appeal (in Case No. D062970) affirmed the judgment, and the California Supreme Court has denied review. The City Attorney will update the Mayor and City Council on the status of this litigation, including the separate appeal of the post-judgment award of attorney's fees and costs (Case No. D063856), as well as San Diego Superior Court Case No. 37-2011-00100142-CU-MC-CTL, which involves a similar indemnification claim for attorney's fees and costs incurred in a federal criminal action, and seek direction.

**Conference with Legal Counsel – significant exposure to litigation, pursuant to California Government Code Section 54956.9(d)(2):**

**CS-5** *James Jones claim (6453 El Camino del Teatro, La Jolla)*  
Risk Management Claim File No. 3800

DCA Assigned: F. Ortlieb

This matter arises from a claim alleging damage to property arising from a broken storm drain, which occurred at 6453 El Camino del Teatro, La Jolla. The claim poses significant threat of litigation. Damages include injury to real property and potentially personal injury. The City Attorney's Office will brief the Mayor and City Council on the status of the claim and seek direction.

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code Section 54956.9(d)(4):**

**CS-6** **Number of Cases: One**

DCA Assigned: P. Prather

The City Attorney will discuss the potential to initiate litigation and seek direction.