



## COUNCIL REPORT

**DATE:** March 14, 2023

**CATEGORY:** Consent

**DEPT.:** City Attorney's Office

**TITLE:** ***Attorneys' Fees and Costs Settlement in the Matter of Navarro; et. al. v. City of Mountain View***

### **RECOMMENDATION**

Adopt a Resolution of the City Council of the City of Mountain View Authorizing the City Attorney to Compromise and Settle Plaintiffs' Claim for Attorneys' Fees and Costs in the Matter of *Navarro; et al. v. City of Mountain View*, United States District Court Case No. 21-CV-05381, in the Amount of Seven Hundred Fifty Thousand Dollars (\$750,000) and Authorizing an Appropriation of Seven Hundred Fifty Thousand Dollars (\$750,000) from the Liability Self-Insurance Fund to Pay the Settlement, to be read in title only, further reading waived (Attachment 1 to the Council report).

### **BACKGROUND**

On July 14, 2021, Celerina Navarro, Janet Stevens, Armando Covarrubias, Evelyn Estrada, Gabriel Rangel Jaime, and Alma Aldaco ("Plaintiffs") filed a class action lawsuit against the City of Mountain View ("City") alleging that two ordinances restricting where oversized vehicles ("OSVs") could park violated the state and federal constitutional and statutory rights of Plaintiffs and other people living in OSVs. After nearly a year of negotiations, the parties reached agreement on a proposed class-wide settlement.

The proposed settlement agreement was posted on the City's website and made available to the public in September 2022. Paragraph 4 of the settlement agreement states, among other things, that the parties shall attempt to negotiate Plaintiffs' claim for attorneys' fees and costs in connection with the prosecution and settlement of the lawsuit.

Pursuant to Paragraph 4 of the proposed settlement agreement, the parties negotiated and reached an agreement to settle Plaintiffs' claim for attorneys' fees and costs in the amount of \$750,000.

Because this is a class action lawsuit, court approval was required before the proposed class-wide settlement of all claims, including Plaintiffs' claim for attorneys' fees and costs, could become final. On February 28, 2023, the court issued an order approving the proposed class-wide

settlement and granting Plaintiffs' request for an award of attorneys' fees and costs in the agreed amount of \$750,000.

Therefore, the City Attorney's Office requests that the City Council authorize final settlement and payment of Plaintiffs' claim for attorneys' fees and costs in the amount of \$750,000.

**FISCAL IMPACT**

The United States District Court for the Northern District of California has issued an order approving the class-wide settlement in the matter of *Navarro; et al. v. City of Mountain View*, United States District Court Case No. 21-CV-05381, which includes an award of attorneys' fees and cost in the amount of \$750,000 to Plaintiffs. A budget appropriation of \$750,000 is being requested from the Liability Self-Insurance Fund. There is sufficient funding in the Liability Self-Insurance Fund to pay the award of attorneys' fees and costs to Plaintiffs.

**PUBLIC NOTICING**—Agenda posting.

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Attachment: 1. Resolution