



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 33

**Agenda Date:** December 15, 2022

**In Control:** City Council A Session

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**DEPARTMENT:** Office of the City Attorney

**DEPARTMENT HEAD:** Andy Segovia

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

Settlement of litigation styled Ninfa Ruiz and Rodrigo Jardon Ayala v. The City of San Antonio, Texas et. al., Cause No. 5:21-CV-00855-XR

**SUMMARY:**

This item will approve the settlement of a lawsuit styled Ninfa Ruiz and Rodrigo Jardon Ayala v. The City of San Antonio, Texas et. al., Cause No. 5:21-CV-00855-XR pending in the United States District Court, Western District of Texas, San Antonio Division in the total amount of \$125,000.00. This settlement will be funded from the Self-Insured Liability Fund.

**BACKGROUND INFORMATION:**

On October 3, 2019 at 2:45 a.m., while on patrol, an SAPD officer noticed people seated and drinking alcohol in the outdoor area of a bar, which he believed violated Texas law. A confrontation between the bar owners and the officer ensued, resulting in one of the plaintiffs falling to the ground and sustaining injuries. The parties have agreed to settle the claims as follows – a payment of \$62,500 to Ninfa Ruiz and \$62,500 to Rodrigo Jardon Ayala, subject to City Council approval. The funds are available from the FY 2023 Liability Fund Adopted Budget.

**ISSUE:**

Settlements over \$50,000 require City Council approval.

**ALTERNATIVES:**

If this settlement is not approved by the City Council, this case will likely proceed to a jury trial. It is in the best interest of the City to settle this matter to avoid the uncertainties and risks associated with litigation.

**FISCAL IMPACT:**

If approved, a total amount of \$125,000 will be paid as follows: \$62,500.00 payable to Ninfa Ruiz and her attorney of record, Susan Hutchison of the Law Offices of Hutchison & Foreman, and \$62,500.00 payable to Rodrigo Jardon Ayala and his attorney of record, Susan Hutchison of the Law Offices of Hutchison & Foreman. This will be funded in accordance with the FY2023 Liability Fund Adopted Budget.

**RECOMMENDATION:**

Staff recommends approval of this item.