



Contra  
Costa  
County

To: Board of Supervisors  
From: Thomas L. Geiger, County Counsel  
Date: May 16, 2023

Subject: Public report of litigation settlement agreements that became final during the period January 5, 2023, through April 30, 2023.

**RECOMMENDATION(S):**

RECEIVE public report of litigation settlement agreements that became final during the period January 5, 2023, through April 30, 2023, as recommended by County Counsel.

**FISCAL IMPACT:**

Settlement amounts are listed below.

**BACKGROUND:**

Four agreements to settle pending litigation, as defined in Government Code section 54956.9, became final during the period January 5, 2023, through April 30, 2023.

*In re Claim of Mark and Mary Shepherd:* On December 13, 2022, the Board of Supervisors approved a settlement in this personal injury claim arising out of a pedestrian versus automobile accident involving a Sheriff's Office vehicle. The Board authorized settlement in the amount of \$125,000, in exchange for a release of all claims, in closed session by a 4-0 vote, Supervisor Gioia absent. The settlement agreement was fully executed on January 5, 2023. The funding source is the Risk Management Liability Internal Service Fund.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **05/16/2023** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II  
Supervisor  
Diane Burgis, District III Supervisor  
Ken Carlson, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 16, 2023

Monica Nino, County Administrator and Clerk of the  
Board of Supervisors

Contact: Monika L. Cooper, Assistant  
County Counsel, (925) 655-2200

By: Stacey M. Boyd, Deputy

*Robert Insalaco and Leslie Lomax v. County of Contra Costa, et al.* and cross-complaint *Lucas T. Du and Mary Wong v. County of Contra Costa, et al.*; Contra Costa Superior Court Case No. MSC17-00725. On November 29, 2022, the Board of Supervisors approved settlements in this inverse condemnation lawsuit and cross-complaint involving land subsidence and resulting damage to plaintiffs' and cross complainants' properties. The settlement agreement with the Insalaco/Lomax plaintiffs for \$65,000 was fully executed on December 19, 2022. The settlement agreement with the Du/Wong cross-complainants for \$65,000 was fully executed on January 11, 2023. The Court issued an Order of Good Faith Settlement on February 28, 2023. The funding source is the Risk Management Liability Internal Service Fund.

### BACKGROUND: (CONT'D)

*Joseph Malott v. City of Walnut Creek, et al.*; United States District Court, Northern District Case No. 3:21-cv-1674 SK. On February 7, 2023, the Board of Supervisors approved a settlement in this civil rights action. The Board authorized settlement in the amount of \$60,000, inclusive of attorneys' fees and costs, in closed session by a 4-1 vote, Supervisor Andersen opposed. The settlement agreement was fully executed on February 14, 2023. The funding source is the Risk Management Liability Internal Service Fund.

This report includes final settlements of litigation matters handled by the Office of the County Counsel. This report does not include litigation settlements that were reported by the Risk Management Division of the County Administrator's Office as a consent item on the Board's open session agenda.

### CONSEQUENCE OF NEGATIVE ACTION:

The report would not be accepted.