

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY, OCTOBER 14, 2024  
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**

Note: Information on any actions taken in closed session that were publicly reported in the Open Session may be found in the City Clerk’s minutes. David J. Karlin, Senior Deputy City Attorney, reports the results of the Closed Session meeting of Monday, October 14, 2024, as follows:

**CLOSED SESSION MEETING FOR MONDAY, OCTOBER 14, 2024, AT 10:00 A.M.**

**ROLL CALL:**

Present: Mayor Gloria, Council President Elo-Rivera, Council President Pro Tem LaCava, and Councilmembers Whitburn, Foster III, von Wilpert, Lee, Campillo, and Moreno.

Absent: Councilmember Campbell, Council District 2, absent for the meeting.

**CLOSED SESSION ITEMS:**

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

**CS-1 *Coziahr v. Otay Water District***

San Diego Superior Court Case No. SDSC 37-2015-000400000-CU-MC-CTL  
Court of Appeal, Fourth Appellate District, Division 1, Case Nos. D081606 & D081099  
California Supreme Court Case No. S286596  
Risk Management Department Claim File No. 12386

DCA Assigned: C. Hawkins

Outside Counsel: M. A. Wharton, Sr. Counsel, Colantuono, Highsmith & Whatley, PC

The City Council voted on Closed Session Item Number One, *Coziahr v. Otay Water District*, San Diego Superior Court Case No. 37-2015-000400000-CU-MC-CTL, to file an amicus letter in support of review by the California Supreme Court.

The motion passed 8 to 0, with Councilmember Campbell absent.

**CS-2 *Daniel Patz, et al. v. City of San Diego***

San Diego Superior Court Case No. SDSC 37-2015-00023413-CU-MC-CTL  
Court of Appeal, Fourth Appellate District, Division 2, Case No. E083543  
Risk Management Department Claim File No. 12386

DCA Assigned: C. Hawkins

Outside Counsel: M. A. Wharton, Sr. Counsel, Colantuono, Highsmith & Whatley, PC

Report: Nothing to report.

**Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation, pursuant to California Government Code section 54956.9(d)(4):**

**CS-3 Number of Cases: One**

SCDCA Assigned: M. Ankcorn

Outside Counsel: D. Casey, Casey Gerry Schenk Francavilla Blatt & Penfield LLP

The City Council also voted on Closed Session Item Number Three, to initiate litigation. Once litigation is formally commenced, the action, the defendants, and other particulars will be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

The motion passed 8 to 0, with Councilmember Campbell absent.

REPORTED BY: *David J. Karlin*

David J. Karlin  
Senior Deputy City Attorney