

Honorable Salvador Mendoza Jr.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GABRIEL GOMEZ MACIEL,

Plaintiff,

v.

MYLISSA COLEMAN, in her official and
individual capacities; CITY OF
SPOKANE,

Defendants.

Case No. 2:17-cv-0292-SMJ

JOINT STATUS REPORT

Pursuant to the Court's order dated January 24, 2018, ECF No. 21, Plaintiff Gabriel Gomez Maciel and Defendants City of Spokane, *et al.*, submit this joint status report.

I. INTRODUCTION AND BACKGROUND

On August 21, 2017, Plaintiff Gabriel Gomez Maciel filed the above-captioned action against the City of Spokane and Mylissa Coleman, an officer of the Spokane Police Department. *See* ECF No. 1. The lawsuit alleged the actions

JOINT STATUS REPORT - 1

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1 taken by Defendant Coleman against Plaintiff on August 24, 2014 violated
2 Plaintiff's constitutional and statutory rights. Defendants denied Plaintiff's claims
3 and asserted their actions and policies were lawful under the circumstances and did
4 not violate Plaintiff's constitutional or statutory rights.

5 On November 13, 2017, the parties notified the Court that the case settled.
6 ECF No. 18. On January 8, 2018, the parties executed a settlement and release
7 agreement. See draft signed by counsel at ECF No. 20, Exhibit A. The parties
8 agreed that the compromise of the disputed claims was not to be construed as an
9 admission that any party had acted wrongfully with respect to the other, which was
10 and is expressly denied. Under the terms of the agreement, Defendant City of
11 Spokane agreed:
12

13 1. To revise the Spokane Police Department Policy Manual in
14 accordance with ECF No. 20, Appendix A. The parties agreed the
15 revisions would take place no later than thirty (30) days after the
16 execution of the settlement and release agreement and a copy of the
17 revised policy would be provided to Plaintiff's counsel thirty (30) days
18 thereafter.
19

20 2. To provide training to all commissioned officers of the Spokane Police
21 Department regarding the revisions to the Spokane Police Department
22

1 Policy Manual. The parties agreed the training would include: 1) a
2 training bulletin outlining the policy changes to be distributed by
3 email to all commissioned Spokane Police Department officers; and
4 2) oral field in-service training to all commissioned Spokane Police
5 Department officers regarding the policy changes. The settlement
6 agreement outlined that training was to occur within sixty (60) days
7 of the adoption of the revised Spokane Police Department Policy
8 Manual, with written training materials to be provided to Plaintiff's
9 counsel within forty five (45) days of the execution of the settlement
10 agreement. Defendants are to provide certification to counsel for
11 Plaintiff within fourteen (14) days of completion of training.

- 12
13
14 3. To make a settlement payment of \$49,000 to counsel for Plaintiff.
15 From that amount, \$30,000 will be paid to Plaintiff as general
16 damages, and \$19,000 will be received by counsel for Plaintiff as
17 attorneys' fees. The parties agreed payment will be made within seven
18 (7) days of Defendants' compliance with items (1) and (2), *supra*.

19 Under the terms of the agreement, Plaintiff agreed to file a Stipulation of
20 Dismissal within seven (7) days of Defendant City of Spokane's completion of its
21 obligations under the agreement.
22

II. STATUS OF COMPLIANCE UNDER THE SETTLEMENT AGREEMENT

Based on the date of execution of the settlement agreement, revisions to the Spokane Police Department Policy Manual were to be completed on or before February 8, 2018. On January 16, 2018, the City of Spokane adopted the agreed revisions to the Spokane Police Department Policy Manual. The revisions were provided to counsel for Plaintiff.

On January 16, 2018, the Spokane Police Department emailed Training Bulletin 18-001 to all commissioned officers which explained the policy changes. The training bulletin was provided to counsel for Plaintiff.

Under the settlement agreement, utilizing January 16, 2018, the date the revisions to the Spokane Police Department policy were adopted, officer training must be completed on or before March 17, 2018. Spokane Police Department staff are developing training to be provided to commissioned officers in advance of the March 17, 2018 compliance deadline. Within fourteen (14) days following completion of training, certification will be provided to counsel for Plaintiff. Within seven (7) days of this certification, the City of Spokane will make the required payment of \$49,000.00 to Plaintiff's counsel, who will then execute and file a Stipulation of Dismissal as provided in the Settlement Agreement.

1 Dated this 2nd day of February, 2018.

2 Respectfully submitted,

3
4 *For Plaintiff:*

5 NORTHWEST IMMIGRANT
6 RIGHTS PROJECT

7 s/ Matt Adams

8 Matt Adams, WSBA #28287

9 s/ Glenda M. Aldana Madrid

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12 s/ Leila Kang

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20 *For Defendants:*

21 s/ Nathaniel J. Odle

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JOINT STATUS REPORT - 5

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of February, 2018, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

Matt Adams, matt@nwirp.org
Glenda M. Aldana Madrid, glenda@nwirp.org
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Attorneys for Plaintiff

I further certify that I caused the foregoing document to be mailed by United States Postal Service to the following non-CM/ECF participants: N/A.

/s/ Nathaniel J. Odle
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