



**TOWN OF LOS GATOS
COUNCIL AGENDA
CLOSED SESSION REPORT**

MEETING DATE: 02/18/2025

ITEM NO: 1

DESK ITEM

DATE: February 18, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: CONFERENCE WITH LEGAL COUNSEL— EXISTING LITIGATION
(Government Code §54956.9(d)(1))
Lynley Kerr Hogan vs. Rob Moore et al
Santa Clara County Superior Court Case Number: 25CV456254

REMARKS:

Attachment 1 contains public comments received before 11:01 a.m. on Tuesday, February 18, 2025.

ATTACHMENTS:

1. Public comments received before 11:01 a.m. on Tuesday, February 18, 2025

From: Lisa Wade [REDACTED]
Sent: Tuesday, February 18, 2025 10:54 AM
To: Council <Council@losgatosca.gov>
Subject: Fwd: Please support council members Moore and Ristow

[EXTERNAL SENDER]

Dear Mayor and Town Council members,

I am a long-time Los Gatos resident asking you to please support Council members Rob Moore and Maria Ristow with legal defense in the lawsuit *Hogan v. Moore et al.* These two council members do a lot for Los Gatos and I believe they deserve the Town's full protection.

We must protect council members from this kind of legal action so they can perform their duties. I strongly urge the Town Council to support council members Moore and Ristow by providing the legal defense they so deserve.

Sincerely,

Lisa Wade

From: Tori Horton [REDACTED]
Sent: Monday, February 17, 2025 8:57 PM
To: Matthew Hudes <MHudes@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Council <Council@losgatosca.gov>
Subject: Protect Los Gatos Councilmembers

[EXTERNAL SENDER]

Dear Los Gatos Town Council,

I'm writing as a resident of Los Gatos to urge you to stand by Councilmembers Rob Moore and Maria Ristow and provide them with a legal defense in the lawsuit against them. Public service should not come with the risk of personal financial ruin for engaging in policy discussions, yet that's exactly what's at stake here.

This lawsuit appears to be an attempt to intimidate and silence elected officials over political disagreements. The case was initially filed naming them as Councilmembers, and the Town rightly agreed to indemnify and defend them. After learning this, the complainant refiled, omitting their official titles—but the claims remain the same. This should not be a loophole to strip them of the protection they deserve as public servants.

If the Town fails to defend them, we risk setting a terrible precedent for those in public service. Who will want to run for office if they risk being personally sued for simply participating in civic discussions? This isn't just about these two Councilmembers—it's about ensuring that all elected officials can serve our community without fear of targeted legal attacks.

Please do the right thing and reaffirm the Town's commitment to defending its Councilmembers. It's not just fair—it's necessary for the future of good governance in Los Gatos.

Sincerely,

Tori Horton

[REDACTED]

From: Annie Schwartzstein [REDACTED]
Sent: Monday, February 17, 2025 10:04 PM
To: Clerk <Clerk@losgatosca.gov>
Subject: Public Comment Item #1

[EXTERNAL SENDER]

Dear Mayor and Council Members,

This last year, I moved to Los Gatos from a nearby Bay Area city. Since moving here, I have absolutely loved living in the town. During this time, I have become interested in the town council, and I've really enjoyed coming to town meetings and activities. It's been a great way to get to know people and get to know the town. In other places I've lived, I've also been involved in local politics, and I have been so impressed since moving here with how involved the people in Los Gatos are. People seem really excited to give back to the community.

When the calls came out late last year and earlier this year to serve on town commissions, boards, and committees, I thought about getting more involved. I thought it would be a fun way to get more involved and give back to the community. I have opinions and would love to share a younger voice for the town!

However, since learning more about the town council's recent history, I have decided that I do not see myself ever serving the town in any official capacity.

This decision was made after going back and watching council meetings from 2021 when Mayor Sayoc was enduring harassment from a few people within the community. I have also watched the council meetings where Planning Commissioner Kylie Clark was censured. Now, the town is considering potentially not paying the legal fees for Councilmembers Moore and Ristow. To me, it appears that there are a few people within Los Gatos who can be incredibly hostile to people from one side of the political spectrum.

As a person with more progressive political ideas, I have hesitated at times in council meetings to speak. I am nervous about being recognizable enough that I could potentially be followed after meetings and harassed. I'm nervous that people could find out where I live and harass me there for my opinions and ideas. This is unfortunate because one of the biggest reasons I enjoy going to council meetings is to meet new people and gain a sense of community.

But let me be clear: these anxieties are not simply imagined by our town officials; they are reality. It has been well documented over the last few years that if you serve Los Gatos, you must endure not only harassment within town meetings but also threats at your own home and now threats to your financial well-being that could impact you for the rest of your life. It seems like if you have a certain set of beliefs on the Los Gatos Town Council or commissions/boards/committees, you have to accept that you have signed up for bullying, harassment, public humiliation, and shaming, and your livelihood being played with for political gain. This is unacceptable. It should not be a brave act to serve the town.

The lawsuit that is facing Councilmembers Moore and Ristow is impacting them because they have decided to serve this town. You are sending a very strong message to people who are considering serving this town if you do not use town resources to defend them. You are also

sending a strong message to the people threatening town officials that this is acceptable behavior.

I strongly urge the town council to provide legal support to Councilmembers Moore and Ristow.

Thank you for your hard work and continued service to the town.

Best,
Annie

From: Gayle Blayne Gordon [REDACTED]
Sent: Tuesday, February 11, 2025 2:32 PM
To: Council <Council@losgatosca.gov>
Subject: Hogan vs. Moore lawsuit

[EXTERNAL SENDER]

To Los Gatos Mayor Matthew Hudes, Town Council members Rob Rennie and Mary Badame,

We have lived in the town of Los Gatos since 1987. We have been active volunteers in our town and in our schools. We feel proud of our community and the Town Councils' support of community activities and events, and our town's facilities and services. We have always voted in elections for our Town Council members, and have participated in some Town Council members campaigns. We have attended Town Council meetings and have spoken before the Town Council on matters important to us.

It has come to our attention that Vice Mayor Rob Moore and Town Council member Maria Ristow are being sued by a town resident. They are apparently being sued due to their positions on the Town Council. It is unknown at this time whether they will be represented by our Los Gatos Town Attorney.

We feel that Maria Ristow and Rob Moore should be represented by the Los Gatos Town Attorney since the legal complaint apparently arose due to their elected positions on the Town Council. It is only fair that Los Gatos citizens that are elected to our Town Council should receive the services of our Los Gatos Town Attorney to represent them when lawsuits are filed that arise as the result of their actions in representing their fellow citizens.

As Town Council members, you need to ensure a safe environment for our town staff and all council members. This means you need to approve the Los Gatos Town Attorney to defend your fellow town council members, Rob Moore and Maria Ristow, in this lawsuit. If not, this will have a chilling effect on the current and future Town Council members worried that they too might be sued by an unhappy town resident.

Thank you.
Gayle and Malcolm Gordon

[REDACTED]

From: J.R. Fruen <JRFruen@cupertino.gov>
Sent: Tuesday, February 11, 2025 12:00 PM
To: Council <Council@losgatosca.gov>
Subject: Hogan v. Moore, et al.

[EXTERNAL SENDER]

Mayor Hudes and Members of the Town Council:

It has come to my attention through news reports and elsewhere that two of your colleagues, Vice Mayor Rob Moore and Councilmember Maria Ristow, are the subject of a purported defamation lawsuit whose clear aim is to stifle public discourse and to harass fellow councilmembers in the performance of their public function. Given the clear intersection between the claimed unlawful activity and the public roles that your two colleagues perform, I would hope and expect that you would authorize defense of this suit on their behalf.

To the extent that any action touching on public functions, such as community engagement and the dissemination of official information, is implicated in a suit alleging defamation, it should be the duty of the public agency to defend such action. The alternative is the chilling of the free exchange of ideas and the erection of new impediments to running for office—namely whether any eligible candidate would put him- or herself forward in light of the personal legal risk it would entail. Los Gatos already saw no non-incumbents file to run in the last election. For the sake of a reasonably functioning local democracy, please support the defense of your colleagues and prevent the legal equivalent of a heckler’s veto on public discourse.

Respectfully yours,



J.R. Fruen
Councilmember
City Council
JRFruen@cupertino.gov
(408)777-1316



From: Lisa Wade [REDACTED]
Sent: Tuesday, February 11, 2025 11:10 AM
To: Council <Council@losgatosca.gov>
Subject: Please support council members Moore and Ristow

[EXTERNAL SENDER]

Dear Mayor and Town Council members,

I am a long-time Los Gatos resident asking you to please support Council members Rob Moore and Maria Ristow with legal defense in the lawsuit *Hogan v. Moore et al.* These two council members do a lot for Los Gatos and I believe they deserve the Town's full protection.

I believe we must protect council members from this kind of legal action so they can perform their duties. I strongly urge the Town Council to support council members Moore and Ristow by providing the legal defense they so deserve.

Sincerely,

Lisa Wade

From: Carl Guardino [REDACTED]
Sent: Wednesday, February 12, 2025 4:12 AM
To: Council <Council@losgatosca.gov>
Subject: Hogan Lawsuit -- Defending Councilmembers' Moore and Ristow

[EXTERNAL SENDER]

Dear Mayor Hudes, Town Council and Town Manager:

My thanks to each of you for your service and leadership for the Town of Los Gatos and all of its residents.

For more than 21 years, my family and I have lived in both Los Gatos and Monte Sereno. My wife is also a long-time business owner in town. We have long been impressed and appreciative of the work of the Council and its commitment to the community.

It is also why we are deeply concerned about the lawsuit that has been filed against two of the five Councilmembers, Vice Mayor Moore and Councilmember Ristow. It is vitally important that the Town represent and indemnify each of these committed and thoughtful leaders against this frivolous lawsuit. The fact that the initial lawsuit, which recognized the vital public role of Councilmembers' Moore and Ristow, was rescinded and refiled without listing their public role -- in no way diminishes the fact that Mr. Moore and Ms Ristow serve the Town in their elected capacities.

If the Town were to choose not to represent and indemnify these two Members of the Council, it would place a chill on any public official's ability to conduct the public's business, and limit interest in serving the Town in an elected or appointed capacity.

With great respect, I urge the Town Council to resist the pressure that the litigant is trying to exert on the Town, and to stand with Vice Mayor Moore and Councilmember Ristow against this lawsuit.

Thank you for your time and consideration.

Sincerely,

Carl Guardino

From: Deborah Lowe [REDACTED]
Sent: Tuesday, February 11, 2025 7:51 PM
To: Council <Council@losgatosca.gov>
Subject: Concerned Resident

[EXTERNAL SENDER]

To the Los Gatos Council Members, Town Manager and attorney,

First, let me thank you for your service and dedication to the Town of Los Gatos. I appreciate the commitment you have made to public service, especially in light of the contentious times we are living in. I have lived in Los Gatos for over 30 years, raised my kids here and love our community.

It has come to my attention that a resident of our town, Lindley Hogan, has filed a defamation suit against two of our council members, Rob Moore and Maria Ristow. I am aware of Ms. Hogan's history of grievances against council members and that the town has filed a restraining order against her in the past. This adversarial relationship she has with town council members, in particular, the progressive members of the council, is troubling to say the least. Because you disagree with the politics of someone else does not give you the right to harass them or to file suit because they don't hold the same beliefs.

I further understand she has sought to file suit against them personally rather than as members of the Town Council. My personal interpretation of this move is it is one of intimidation. I'm sure any interactions she has had with Rob or Maria was in their capacity as council members. I hope the town stands by council members Moore and Ristow. I have attended council meetings, I sit on the library board and every interaction with Mr. Moore and Ms. Ristow has been nothing but courteous and professional. They are thoughtful and pleasant and I feel strive to work in the best interest of the town.

In the bigger picture, not standing by them would surely dissuade folks in the future from public service.

Thank you for your time, please stand by Council members Moore and Ristow.

Sincerely,

Debbie Lowe
[REDACTED]