

CITY AND COUNTY OF SAN FRANCISCO



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VIA EMAIL

San Francisco Commission on the Status of Women
25 Van Ness Avenue, Suite 240
San Francisco, CA 94102

Re: Report from City Attorney's Office (Administrative Code § 33.7(c))
April-September 2019

Dear Honorable Commissioners:

Attached please find our report to the Commission on the Status of Women under Section 33.7(c) of the San Francisco Administrative Code for the period covering April to September 2019. Please contact me with any questions.

Very truly yours,

DENNIS J. HERRERA
City Attorney

A handwritten signature in cursive script, appearing to read "Bradley A. Russi".

BRADLEY A. RUSSI
Deputy City Attorney

cc: Dr. Emily Murase
Director, Department on the Status of Women

**City Attorney Report Under Administrative Code Section 33.7(c)
April to September 2019**

I. Administrative Claims Filed against the City alleging Discrimination against Women

	Date Claim Received	Claim Number	Claimant	Department Involved	City Employee?	Summary of Claim
1.	4/23/19	19-02572	Tonya Lett	RecPark	Yes	Claimant alleges denial of promotion and discrimination based on race
2.	5/20/19	19-02829	Alice Dicroce	SFPD	Yes	Claimant alleges denial of promotion based on race and gender discrimination
3.	5/23/19	19-02861	Kathy Broussard	MTA	Yes	Claimant alleges harassment, retaliation and race discrimination
4.	6/18/19	10-03029	Janet Tapia	SFPD	No	Claimant alleges a patterns of discrimination by SFPD
5.	6/24/19	19-03078	Sharon Aguila	DPH	Yes	Claimant alleges discrimination on the basis of pregnancy
6.	7/29/10	20-00169	Kelly Damenia	Unknown	No	Claimant alleges harassment based on gender
7.	9/13/19	20-00549	Janet Tapia	DHSH	No	Claimant alleges discrimination based on race due to denial of shelter services
8.	9/18/19	20-00602	Shana Marie Kelly	DPH	Yes	Claimant alleges discrimination and harassment/hostile work environment (no protected category specified) and retaliation

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II. Lawsuits Filed against the City Alleging Any Form of Discrimination against Women

	Date Lawsuit Served	Court and Case Number	Plaintiff	Department Involved	City Employee?	Summary of Claims
1.	4/2/19	SF Superior Court Case No. CGC-19-574923	Whitney A. Smith, Veronica Luhan, Mona Gitthens, and Vernelle Gomezboyd	MTA	Yes	Plaintiffs allege sex/gender and race discrimination and harassment, and retaliation
2.	4/5/19	SF Superior Court Case No. CGC-19-574890	Mary Tramil	Human Rights Commission	Yes	Plaintiff alleges disability discrimination, failure to accommodate, failure to prevent discrimination, retaliation
3.	4/22/19	SF Superior Court Case No. CGC-19-575346	Kenzia Tang	MTA	Yes	Plaintiff alleges sex/gender and race discrimination, failure to prevent discrimination, and retaliation
4.	4/23/19	SF Superior Court Case No. CGC-19-575322	Maureen Gomez	DTIS	Yes	Plaintiff alleges age and gender discrimination; retaliation; and failure to prevent discrimination
5.	6/20/19	SF Superior Court Case No. CGC-19-576662	Patricia Ruiz	MTA	Yes	Plaintiff alleges a hostile work environment and harassment and discrimination based on sex, gender, race, and national origin.

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6.	7/2/19	SF Superior Court Case No. CGC-19-577331	Tonya Lett	RecPark	Yes	Plaintiff alleges harassment and discrimination based on race
7.	9/3/19	SF Superior Court Case No. CGC-19-578201	Kathy Broussard	MTA	Yes	Plaintiff alleges race and sex/gender discrimination, retaliation, failure to prevent harassment, discrimination and retaliation, and intentional infliction of emotional distress.
8.	9/10/19	SF Superior Court Case No. CGC-19-578843	Lisa Wy	HSA	Yes	Plaintiff alleges race, age and gender discrimination, retaliation, and failure to prevent discrimination and harassment.
9.	9/11/19	SF Superior Court Case No. CGC-19-578026	Margarita Herrera	DPH	Yes	Plaintiff alleges disability discrimination and harassment, failure to accommodate and engage in the interactive process, retaliation, failure to prevent discrimination and harassment, and violation of the California Family Rights Act.
10.	9/13/19	SF Superior Court Case No. CGC-19-577638	Cynthia Servetnick	PUC	Former employee	Plaintiff alleges age and disability discrimination and harassment, failure to accommodate and engage in the interactive process, retaliation, failure to prevent discrimination and harassment and workplace safety violations.

**City Attorney Report Under Administrative Code Section 33.7(c)
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III. Litigation Judgments in Favor of or Against the City in Lawsuits filed by Female Employees Alleging Discrimination

	Date Lawsuit Served	Court and Case Number	Plaintiff	Department Involved	Summary of Claims	Judgment For or Against
1.	1/12/18	SF Superior Court Case No. CGC-18-563596	Evelyn Davidson	City Administrator	Plaintiff alleges disability discrimination, failure to engage in the interactive process, failure to accommodate, and whistleblowing retaliation	Judgement for the City entered 9/18/19
2.	2/20/18	SF Superior Court Case No. CGC-18-564303	Melissa Olivero	DPH	Plaintiff alleges retaliation under FEHA and the Labor Code, intentional infliction of emotional distress, negligent hiring and retention, and constructive wrongful termination	Judgment on the pleadings for the City entered 8/29/19 on the intentional infliction of emotional distress, negligent hiring and retention, and constructive wrongful termination causes of action

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IV. Settlements of Claims and Lawsuits filed by Female Employees Alleging Employment Discrimination

A. Settlement of Claims filed by Female Employees Alleging Employment Discrimination

	Date Claim Received	Claim Number	Claimant	Department Involved	Summary of Claims	Claimed Damages	Settlement Amount and Other Material Terms
1.	N/A; Demand letter dated 11/15/18	N/A	Cindy Rivas	MTA	Sex/Gender Discrimination; Race Discrimination; Failure to Prevent Discrimination; Retaliation (FEHA and Labor Code)	\$250,000	\$15,000
2.	N/A; DFEH right to sue issues on or around 3/1/19	N/A	Kim Mejia	Public Library	Sex/gender harassment; failure to prevent harassment	\$100,000	\$24,000

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B. Settlements of Lawsuits filed by Female Employees Alleging Employment Discrimination

	Date Lawsuit Served	Court and Case Number	Plaintiff	Department Involved	Summary of Claims	Claimed Damages	Settlement Amount and Other Material Terms
1.	7/13/17	SF Superior Court Case No. CGC 17-556267	Erica Wright	MTA	Plaintiff alleges failure to accommodate, failure to engage in the interactive process, disability discrimination	\$285,000	\$120,000
2.	3/22/19	SF Superior Court Case No. CGC-19-547719	Hale Guerra	MTA	Plaintiff alleges sex harassment, retaliation, failure to prevent harassment	\$2.4 million	\$800,000