

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA  
City Attorney

OFFICE OF THE CITY ATTORNEY

BRADLEY A. RUSSI  
Deputy City Attorney

Direct Dial: (415) 554-4645  
Email: brad.russi@sfcityatty.org

April 12, 2018

**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))  
January-March 2018

Dear Honorable Commissioners:

Attached please find our report to the Commission on the Status of Women prepared pursuant to Section 33.7(c) of the San Francisco Administrative Code for the period covering January to March 2018. 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)  
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**I. Administrative Claims Filed against the City alleging Discrimination against Women**

	<b>Date Claim Received</b>	<b>Claim Number</b>	<b>Claimant</b>	<b>Department Involved</b>	<b>City Employee?</b>	<b>Summary of Claim</b>
1	2/5/18	18-01728	Tanya Smith	Ethics Commission	Yes	Wrongful termination in retaliation for reporting alleged safety and EEO violations
2	2/6/18	18-01758	Kathy Broussard	SFMTA	Yes	Retaliation for prior EEO complaints; race/color discrimination and harassment
3	3/28/18	18-02252	Dara Auyeung	DPH	Applicant for UCSF position assigned to ZSFG	Failure to hire based on race and sex; breach of contract; breach of covenant of good faith and fair dealing; fraud; violation of public policy, failure to prevent discrimination; Labor Code violations; and violation of Business & Professions Code section 17200.

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

	<b>Date Lawsuit Served</b>	<b>Court and Case Number</b>	<b>Plaintiff</b>	<b>Department Involved</b>	<b>City Employee?</b>	<b>Summary of Claims</b>
1.	1/12/18	Superior Court Case No. CGC-18-563596	Evelyn Davidson	GSA (Contract Monitoring Division)	Yes	Alleged disability discrimination; failure to accommodate; failure to engage in the interactive process; and whistleblower retaliation
2.	2/20/18	Superior Court Case No. CGC-18-564303	Melisa Olivero	DPH	Yes	Alleged wrongful constructive termination; retaliation; negligent hiring and retention; failure to prevent harassment, discrimination and retaliation; whistleblower retaliation; and intentional infliction of emotional distress

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3.	3/2/18	Superior Court Case No. CGC-17- 563247	Kristin Atwood	HAS	Yes	Alleges defamation; intentional interference with prospective economic advantage; negligent interference with prospective economic advantage; and retaliation
4.	3/14/18	Superior Court Case No. CGC-19- 564888	Dora Barnes	HAS	Yes	Alleges gender and race discrimination; retaliation

**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.	Filed 11/19/13, never properly served	San Francisco Superior Court Case No. CGC-12- 524344	Shirley Moore	DPH	Alleged race discrimination and harassment; retaliation; negligent supervision and retention; negligence; and wrongful termination	Case dismissed for failure to comply with Code of Civil Procedure section 583.310
2.	6/28/16	US Dist Court No. 16-CV-01998 YCR	Lutrell B. Huddleston	Tax Collector's Office	Alleged age, race and sex discrimination	Summary judgment entered for the City
3.	02/02/15	US Dist. Court No. CV 15-00440 CRB	Brenda Mitchell	SFMTA	Alleged gender discrimination and violation of Equal Pay Act	Case dismissed without prejudice for failure to prosecute

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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**

	<b>Date Claim Received</b>	<b>Claim Number</b>	<b>Claimant</b>	<b>Department Involved</b>	<b>Summary of Claims</b>	<b>Claimed Damages</b>	<b>Settlement Amount and Other Material Terms</b>
	None to Report						

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

	<b>Date Lawsuit Served</b>	<b>Court and Case Number</b>	<b>Plaintiff</b>	<b>Department Involved</b>	<b>Summary of Claims</b>	<b>Claimed Damages</b>	<b>Settlement Amount and Other Material Terms</b>
1.	8/23/17	SF Superior Court CGC-17-559846	Athena Burns	SFMTA	Alleged failure to accommodate disability (cancer) and engaging in the interactive process; disability discrimination; retaliation	\$1,850,000	\$600,000, resignation from employment, paid leave from date of settlement through resignation date
2.	12/09/16	SF Superior Court CGC-16-555748	Sherri Lynn Anderson	SFMTA	Alleged sexual harassment, sex discrimination, retaliation, battery, sexual battery, assault, and failure to prevent	\$750,000	\$250,000, resignation from employment, leave using own time off balances from date of settlement

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					discrimination and harassment		through resignation date
3.	1/14/16	SF Superior Court Case No. CGC-15- 549032	Cheryl-Denson Thornton	DPH	Alleged sexual harassment and retaliation	\$268,652.50	\$23,000
4.	12/5/16	SF Superior Court Case No. CGC 16- 555561	Mikaela Merchant	DPH	Alleged sexual harassment by supervisor and retaliation	Unspecified	\$50,000