

Donald A. Drisdell
City Solicitor

Nancy E. Glowa
Deputy City Solicitor

Arthur J. Goldberg
First Assistant City Solicitor



Assistant City Solicitors

Vali Buland
Paul S. Kawai
Elizabeth A. Shaw
Samuel A. Aylesworth
Amy L. Wiitts

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

December 19, 2011

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Awaiting Report No. 11-156 re: Report Back on Council Order No. 6, dated 10/24/2011

Dear Mr. Healy:

In response to the above referenced Council Order, please be advised of our responses as follows to the Council's specific requests:

1. *The outside legal expenses incurred by the City for the Monteiro case and related cases and issues.*

Total: \$2,633,194.67 to date. This total includes:

- (a) \$611,563.63—for discovery and other pre-trial matters from 1999 to 2003 for all five of the original cases (Hampton, LaChance, Stamper, Wong and Monteiro), including summary judgment motions, fairly split among the five cases. The summary judgment motion resulted in judgment for the City in two of the five cases, and judgment for the City on the most substantive allegations of a third case.
- (b) \$674,446.30—Monteiro pre-trial and trial expenses related to the first jury trial (2005) and post-trial matters. The jury found in favor of the City by determining that there had been no discrimination against Ms. Monteiro prior to her filing of a complaint with the MCAD. The jury was hung on the allegations of retaliation after the filing of the MCAD complaint, which necessitated a second trial.
- (c) \$858,776.21—expenses related to the second Monteiro jury trial (2008) and post-trial matters. Following the conclusion of the second trial through the date of entry of the final judgment, which spanned almost

two years, much of the time expended was overwhelmingly related to post-trial motions and other matters pertaining to the trial court action.

(d) \$488,409.53—expenses for the appeal.

2. *The cost of the appeal of the Monteiro case over the original judgment, to include interest and legal fees for both the defendant and the plaintiff.*

(a) \$913,673.90—interest on damages awards after the entry of final judgment.

(b) \$298,349.33—plaintiff's attorneys fees and costs award for the appeal.

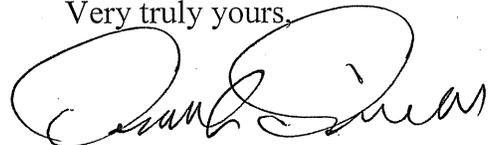
3. *The amount of money related cases were settled for.*

This will be discussed with the City Council in Executive Session.

4. *The overall amount of money paid to Ms. Monteiro.*

The City has paid Ms. Monteiro and her law firm a total of \$8,067,461.78, which includes all damage awards, interest, costs and legal fees. The amount that Ms. Monteiro received and the amount that her law firm received from that total is not known to the City.

Very truly yours,



Donald A. Drisdell