

**SUMMARY OF CIVIC UNITY COMMITTEE MEETING HELD June 18, 2013**

The Civic Unity Committee held a public meeting on June 18, 2013 at 8:30 am in the Sullivan Chamber. The following is a brief summary of what transpired at that meeting, as prepared by the Vice Mayor's Office. PLEASE NOTE THESE ARE NOT THE OFFICIAL MEETING MINUTES – those will be adopted by the City Council on July 29 and then posted on the City's website.

The purpose of the meeting was to discuss the Monteiro case only as it pertains to any lessons learned.

Those present were: Vice Mayor E. Denise Simmons, Committee Chair; Councillor Craig Kelley; Councillor Minka vanBeuzekom; Councillor Leland Cheung; Mayor Henrietta Davis; Councillor Ken Reeves; Richard C. Rossi, Deputy City Manager; Nancy Glowa, City Solicitor; Sheila Keady Rawson, Personnel Director; Brian Corr, Executive Director of the Cambridge Peace Commission; Neal Alpert, aide to Vice Mayor Simmons; and Paula M. Crane, Administrative Assistant, City Clerk's Office.

**Paraphrased Summaries Of What Was Expressed During Public Comment:**

- “The events that led to the Monteiro lawsuit should not have been allowed to happen in a diverse, tolerant, and progressive community, as Cambridge purports itself to be.”
- “The City Manager was allowed to stay in his position for far too long, which led to too much power.”
- “There was a campaign waged against Ms. Monteiro for years, and race was very much a factor. Important information about this matter was also kept from the City Council for years.”
- “The former City Manager was an intelligent and fully capable individual, yet he was also intolerant of different opinions, and unwilling to accept constructive criticism.”
- “The City's system for reporting grievances is flawed and ineffective, and it is hoped that this will be reviewed and revised as Mr. Rossi takes over as City Manager.”
- “The City has spent too much money on the Monteiro lawsuit and the appeals, and it is regrettable that more money is being spent on additional lawsuits.”
- “During the Monteiro lawsuit, the City Manager's Department and the City Solicitor's Department conflated what was in their own best interests with what was in the city's best interests.”
- “The City's officials do not seem to have learned any lessons from the Monteiro lawsuit or its aftermath, and people have yet to see any changes in how internal grievances are handled.”
- “Anyone who reaches the point of filing a lawsuit against the City for perceived mistreatment is fighting an uphill battle, since they must spend their own money on litigation costs, while the City has much deeper pockets.”
- “There is optimism that Mr. Rossi's taking over as City Manager on July 1, 2013 represents an opportunity for a new way of doing business and a new tone within City Hall, yet there is still a sense that the City has not properly addressed some of the systematic issues that led to the Monteiro lawsuit.”

### **Highlights of The Items Raised During The Meeting:**

- Vice Mayor Simmons asked what policies, protections, and safeguards were in place to address discrimination concerns at the time that Ms. Monteiro filed her lawsuit against the City. The Personnel Department, the Affirmative Action office, the Human Rights Commission, the Police Review and Advisory Board, the Disabilities Commission, and employee unions were all listed as potential avenues to file grievances. It was disclosed that the Personnel Department also attempts to conduct exit interviews with many City employees to help provide feedback on the City's employment practices and policies.
- Vice Mayor Simmons questioned the effectiveness of these various avenues, how the City determines if they are doing an adequate job in dealing with grievances, and how the City files and tracks all grievances made. It was disclosed that the City does not systematically catalog and track the number and types of grievances that are filed, and that the majority of grievances do not reach lawsuit stage. Vice Mayor Simmons suggested that the City should start formally and systematically keeping records of all future internal grievances and complaints, so that the City can better review possible trends and better evaluate its own performance in resolving these matters.
- Vice Mayor Simmons suggested that some sort of Employee Oversight Committee for hearing internal grievances might be a good idea. Mr. Rossi said he was open to exploring this idea, and he was also committed to having an open-door policy, to personally hearing from employees, and to making certain that grievances are not allowed to fester. He said that once a complaint is made, the City should work to resolve it as quickly as possible.
- Councillor vanBeauzekom asked if there have been any specific policy changes in response to the Monteiro lawsuit. Mr. Rossi said he is not aware of any specific changes, but that the City Administration is constantly reviewing its practices and making adjustments as needed. Councillor vanBeauzekom also suggested that the City make exit interviews with outgoing employees a mandatory, systematic practice.
- Councillor Kelley stated that he was disappointed that the City Council has not publically or internally condemned the actions of outgoing City Manager Robert W. Healy for his role in the Monteiro lawsuit. Councillor Kelley also shared his frustration over the City Council's use of Executive Session, and the fact that he is not allowed to discuss any items that are deliberated upon during Executive Session.
- Councillor Reeves stated that he was frustrated by some of the avenues for filing grievances that City employees have available to them, and he is not certain that the various departments are able to effectively resolve the grievances before them. He said he would welcome a review of these avenues as Mr. Rossi assumes the role of City Manager.
- Mr. Rossi said he would work to hold a series of "employee forums" after he becomes City Manager to hear about what is on the minds of City employees. He also said that he will instruct all City department heads to read the minutes of this meeting once they are available. Vice Mayor Simmons and Councillor Reeves both said these sound like very good ideas.
- The meeting closed with Councillor Reeves suggesting that the new leadership of Mr. Rossi would represent a new opportunity for the City, and Vice Mayor Simmons said that she will work to hold further meetings on this subject so that the conversation can continue.

**CIVIC UNITY COMMITTEE MEETING AGENDA**

**July 17, 2013 at 6:00 PM**

**“The purpose of the meeting is to continue discussions on lessons learned as it pertains to the Monteiro case.”**

*We will start by noting Vice Mayor Simmons had a scheduling conflict and will attempt to join us later, and then open the meeting to public comment. Please note to attendees that if they already spoke to this issue at the last Civic Unity Committee meeting on June 18, then their comments are already part of public record. Those meeting notes will be made available after the City Council approves them at the July 29 City Council meeting.*

Questions That Were Discussed At Civic Unity Committee Meeting On June 18, 2013:

- What City policies, protections, and safeguards were in place to address discrimination concerns at the time that Malvina Monteiro and other City employees filed their lawsuit against the City?
- What policies, protections, and safeguards have been changed and/or established within the City to directly address any concerns that were raised as a result of the Monteiro case or its aftermath?
- What internal policies and protections are currently in place (not including options such as suing the City) for a City employee who feels that they may be the victim of internal discrimination?
- What internal policies and protections are in place for a City employee who feels that they may be discriminated against by someone from the highest levels of the City's administration? Who can they turn to in that scenario?
- What mechanisms are available to the City to audit those policies that are designed to address internal charges or harassment and discrimination? How do we determine that these policies are adequate and in line with how other municipalities deal with such matters?

Further Questions That May Be Considered At This Meeting:

- Do we have a sense that City employees feel like they're being treated fairly? What metrics are used to determine the answer to this question?
- Do we have a sense of what avenues are most utilized by those City employees who do report having issues?

**LIST OF PEOPLE INVITED TO THIS MEETING:**

- The Honorable, the City Council
- Richard Rossi, City Manager
- Lisa Peterson, Deputy City Manager
- Nancy Glowa, City Solicitor
- Sheila Keady Rawson, Personnel Director
- Brian Corr, Executive Director, Peace Commission
- Reverend Lorraine Thornhill, First Holiness Church
- Reverend Paul R. Ford, Union Baptist Church
- Dr. Valerie Batts, VISIONS, Inc.
- Ms. Lynda Detterman, Detterman & Associates

My name is Patricia Lewis and I am here as a concerned Citizen and employee of the City of Cambridge.

I spoke briefly at the last Civic Unity meeting and I ask the committee to look at the agencies that the City has for it's employees to go to when they feel they have been discriminated against. I'd like to briefly mention what **Affirmative Action, Personal Department, Human Rights Commission, and if you are a Union member it is, Union Local 25** say they offer employees in the way of assistance with discrimination complaints.

For example:

1. **Affirmative Action**, Their website states that they provide "fair and impartial processing of complaints of discrimination and provides counseling as needed in an effort to "mediate" interpersonal disputes or conflicts with Equal Employment Opportunity implications. Affirmative Action handbook does not mention mediation at all. So, is there mediation between the employee and supervisor? If there is mediation is there someone there who is neutral? Once Affirmative Action has done their investigation, are their findings put in writing and given to the employee? Is the employee allowed to respond to Affirmative Action's findings? If the employee is not satisfied with Affirmative Action's findings are they guaranteed mediation?
2. **Personnel works along with Affirmation Action** so, these same questions apply to Personnel department as well.
3. **Human Rights Commission**, States on their website: Chapter 2.76.020 - Purpose: "The Commission of Human Rights shall work with the City Manager and/or his assistants on matters pertaining to the human rights of City citizens. The main purpose for which the ordinance codified in this chapter is enacted is to protect human rights of all the citizens of the City. Does the Human Rights Commission stand by this Chapter and provide assistance to Cambridge residence who also work for the City of Cambridge? Or do they refuse to take on cases of discrimination of those individuals who live in Cambridge AND work for the City of Cambridge because if they did that would mean that they would be going against the City.
4. In the Union Local 25 "Collective Bargaining Agreement handbook it states that they "do not tolerate discrimination". This is all that is stated pertaining to discrimination. It does not mention steps on how to file a grievance if you feel that you have been discriminated against. Nor does it mention "mediation" as an options of settling disputes. "Weingarten Rights" is a very important right that EVERY Union member has. "Weingarten Rights" states that Union employees have a right to union representation at investigatory interviews with their employer. If the the employer denies the request for union representation, and continues to ask questions, it commits an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal. "Weingarten Rights" are NOT mentioned in the Union Local Handbook. This makes one wonder if the Weingarten Rights are even passed on to new Union members by their Shop Steward or Business Agent or if current Union members even know about "Weingarten Rights". The question to ask Union Local 25 is why arn't the "Weingarten Rights" mentioned in the Union Local 25 Collective Bargaining Agreement handbook, how do they handle discrimination cases and how many discrimination cases have they handled?

I am saying all of this to say that. Obviously there is something wrong with these City agencies as to why City employees go outside the City to MCAD, Civil Service and or hirer a lawyer. I am asking that the Civic Unity Committee look into reasons why employees can not settle their discriminate complaints here at the City with these agencies and please do not stop with just this meeting today, but have monthly Civic Unity meetings starting in September and every month after so that the City of Cambridge can get to the bottom as to why employees continue to come forward and state that they have been discriminated against. I'm sure all here will agree that we want to say that not only is Cambridge a great place to live but even a better place to work for everybody.

PATRICIA LEWIS

# Weingarten Rights

From Wikipedia, the free encyclopedia

In 1975 the United States Supreme Court, in the case of *NLRB v. J. Weingarten, Inc.*, 420 U.S. 251 (<https://supreme.justia.com/us/420/251/case.html>) (1975), upheld a National Labor Relations Board (NLRB) decision that employees have a right to union representation at investigatory interviews. These rights have become known as the **Weingarten Rights**.

During an investigatory interview, the Supreme Court ruled that the following rules apply:

**Rule 1:** The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.

**Rule 2:** After the employee makes the request, the employer must choose from among three options:

- grant the request and delay questioning until the union representative arrives and (prior to the interview continuing) the representative has a chance to consult privately with the employee;
- deny the request and end the interview immediately; or
- give the employee a clear choice between having the interview without representation, or ending the interview.

**Rule 3:** If the employer denies the request for union representation, and continues to ask questions, it commits an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal.

In July 2000, the NLRB under the Clinton administration extended the Weingarten Rights to employees at nonunionized workplaces. On June 15, 2004, the NLRB under the George W. Bush administration effectively reversed the previous ruling by a three to two vote.

## Weingarten card

The following is an example of a card which an employee can either read or present to management prior to a meeting with management where the employee believes that discipline or termination may result:

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or steward be present at this meeting. Until my representative arrives, I choose not to participate in this discussion."

## External links

- Full text of *NLRB V. Weingarten, Inc.*, 420 U.S. 251 (1975) (<http://www.fedworld.gov/cgi-bin/waisgate?waisdocid=59324614314+1+0+0&waisaction=retrieve>)

Retrieved from "[http://en.wikipedia.org/w/index.php?title=Weingarten\\_Rights&oldid=549678145](http://en.wikipedia.org/w/index.php?title=Weingarten_Rights&oldid=549678145)"

Categories: National Labor Relations Board | 1975 in United States case law

- This page was last modified on 10 April 2013 at 13:27.

# Attachment D

Good evening everyone.

My name is Sylvia Barnes and I live on Harvey Street. I am also a City of Cambridge employee.

First, I would like to thank City Councilor Kelley and Vice Mayor Simmons for scheduling this meeting in order to discuss "lessons learned from the Monteiro discrimination and retaliation lawsuits."

I am glad to hear that the new City Manager, Rich Rossi and some City Councilors have proposed some steps in preventing future lawsuits. I believe employee's ideas should also be welcomed in developing the best plan for all. Where employees from ~~janitors~~ <sup>Custodians</sup> to department heads can feel as though they are valued by the City of Cambridge and can be treated with dignity, respect, fairness and professionalism regardless of the color of their skin, gender, religion and sexual orientation. I agree with part of # 3:

*Minutes of the June 18 meeting would become "mandatory reading for all the major department heads in this city,"*

*But disagree with the second part:*

*and Rossi would solicit ideas on how to prevent discrimination lawsuits from the department heads.*

At a previous meeting Mr. Rossi, the new City Manager and Ms. Nancy Glowa, City Solicitor have stated that they cannot discuss the Monteiro, Stamper and Wong cases because the details are confidential. Well, the details are in the public record and can be obtained from the court which is what reporters for the Cambridge Chronicle and the Boston Globe did. As part of my testimony, I would like to submit a copy of these articles and copies are also available for anyone that wants them.

There is a famous saying: "Those who cannot remember the past are condemned to repeat it"

I know Malvina Monteiro, Linda Stamper and Mary Wong and I know many in this room know them as well including Councilor Reeves and Vice-Mayor Simmons. They are good people, intelligent and educated -- one is an attorney and the other two have their Masters Degree. When they came to the City of Cambridge they were eager to do good work and like everyone wanted to do a good job. But this was not to be.

From the details here are a few examples of a pattern that emerged after they were hired:

1. The employees were prevented from doing their jobs
2. They were humiliated.
3. They were retaliated against by their managers when they spoke up or disagreed with them

The jury and the court wanted to send a very strong message to the City of Cambridge's Administration and therefore awarded Ms. Monteiro millions of dollars. But it did not work. Why? Because the only ones that suffered were the taxpayers whose money was used to pay for the lawsuits and the attorneys.

Employees also suffered because in order for anyone to hear of their ill-treatment by managers they had to file lawsuits. Which cost them money and time. The Personnel department and the Affirmative Action office was not helpful in assisting the employees and neither was a 12 year old manual.

The City's Administration which included department heads who were named in the lawsuits on the other hand continued with business as usual. As a matter of fact, some of the managers mistreating the women have been promoted. They did not have to pay a cent or change their behavior at all.

So you can understand why I disagree that the department heads should Not be the ones coming up with ideas on how to prevent lawsuits. Why not ask the employees? I am sure they have great ideas.

The new administration is promising to not have any employee subjected to the above practices. The best way for change would be to hire new department heads who truly believe in treating employees professionally and fairly. In addition, this has to be emphasized by the City Manager and he has to hold department heads accountable if they do not follow his lead. I also hope that the City Council follows up on all the City Manager's promises of change and get a plan of when the changes can be expected.

Lastly, I would like to leave you with this quote from Martin Luther King:  
"Injustice anywhere is a threat to justice everywhere."

Thank you for your time.

## New city manager sees 10 ways to curtail discrimination lawsuits; residents hopeful

By Marc Levy  
July 15, 2013



Richard C. Rossi began a three-year contract as city manager July 1.

With the city facing seven discrimination lawsuits from employees and questions lingering from a previous six, the City Council's Civic Unity Committee is holding a second meeting at 6 p.m. Wednesday at City Hall on the topic of "Lessons learned."

"It appears to me that no lessons have been learned ... If lessons had been learned, there wouldn't be [seven] more pending lawsuits," resident Sylvia Barnes said during public comment at the first meeting on the topic, held June 16. "There is something broken in our administration."

But City Manager Richard C. Rossi, who started work July 1 after three decades as deputy to Robert W. Healy, talked at that first meeting about reforms:

- 1.** An Employee Fairness Committee, as proposed by city councillor and committee chairwoman Denise Simmons to handles grievances "proactively" alongside the formal process of supervisor and Personnel Department complaints, won approval from Rossi. "I like that idea very much," he said. "I see a similar structure necessary."
  - 2.** Opportunity exists for even more simultaneous approaches, such as outside mediation – what councillor Ken Reeves and Mayor Henrietta Davis referred to as an ombudsman position – for people uncomfortable exploring a discrimination complaint within the city's system. "We can figure out what the models are," Rossi said. "Some people may not feel comfortable talking to people within the city. What are the outside opportunities we can bring in?"
  - 3.** Minutes of the June 18 meeting would become "mandatory reading for all the major department heads in this city," and Rossi would solicit ideas on how to prevent discrimination lawsuits from the department heads. "I want to see whether or not people have ideas different from what I have," he said.
  - 4.** In addition, he would "invite an employees' forum, an open discussion" with at least himself, his deputy and the personnel director hearing suggestions about dealing with worker issues and disputes. "That's a valuable thing we could do," he said.
  - 5.** He announced an open-door policy for complaints in the city managers' offices. "I would welcome any employee that has an issue who feels that they want to talk to me or somebody at my level. That is an opportunity I offer to any and all," he said. "Most people know I don't shun meetings. My door is open to just about anybody in the city who wants to have a reasonable conversation. I'm willing to do that. My offer is genuine: that any employee can come talk to me."
  - 6.** There will be a monthly "testing of the waters" among the departments to see if there are disputes or issues brewing that can be settled before they grow too large. "I'm going to try really hard to make that happen," Rossi said.
  - 7.** Employee exit interviews "are something we need to formalize more," Rossi said. The interviews, now used in only some city departments, can look for patterns and practices in personnel issues, Personnel Director Sheila Keady Rawson said, but they are handled piecemeal rather than through a central office – which could make it harder to spot those patterns. Rossi said of exit interviewing that he was "not aware of every single departments' actions in that regard. I do know of departments where this takes place."
- Councillor Minka vanBeuzekom urged the city to take a centralized approach, which is already encouraged by Keady Rawson.
- 8.** Rossi said he and his staff would be monitoring complaints, questions and concerns to see that they were dealt with in "a timely fashion" and that decisions would be given quickly "whether they are decisions that people like or dislike." He said he would hold review sessions with the Personnel Department to deal with departments where he saw problems arising, and Davis agreed there was a need to not just get atop such situations early and "not let them fester," but to ensure that a worker making a complaint didn't feel ostracized for it, a situation she called "oppressive" and "unfair."
  - 9.** Asked how the city polices the actions of those who enforce its anti-discrimination policies, Rossi said, "we will be conducting personnel evaluations of senior managers and myself. I assume I will be evaluated by the City Council. I will have to be prepared for that, and I certainly welcome that conversation as to how things are going ... I will try as hard as I can not to take it personally."
  - 10.** "I will be revisiting policies with a large group of city staff to make sure" the policies are working as intended, Rossi said. "Policies are good and sometimes they get stale. Policies need to get reviewed periodically."

In answering a question from vanBeuzekom, Rossi assured the councillors he took the issue seriously:

*I have my own way of doing things. When I say to you that this is something I want to do, I don't really feel like I you're going to have to turn around and order me to do it. You remember what I said; if I don't do it, challenge me on it. I want you to trust that I feel this is an important thing, and I want all departments to understand this is a very important conversation we talked about today.*

There is already an employee handbook that got major revisions in 2001, three years after discrimination cases from five women of color working for Cambridge city government arrived in court. (Two of those plaintiffs dropped out over the years; two were awarded settlements totaling \$3.9 million; and Malvina Monteiro won in court in May 2008 and was awarded \$4.5 million in damages, growing to \$6.7 million as the city appealed its case but lost for the

final time in August 2011; including costs to Monteiro's lawyers, the city made an \$8.3 million payout – a total \$12.2 million in just those three cases.) Although Rossi said he would be looking at the handbook with an eye toward another round of revisions, Simmons said she thought councillors should see the current handbook, and vanBeuzekom suggested it – or a link to an online version – be included in the meeting minutes.

In addition to the handbook, Keady Rawson said, new hires get an orientation packet with policies and procedures, and union members get a copy of a collective bargaining agreement that outlines a grievance process for clashes with management. There also exists a city Human Rights Commission and Affirmative Action Advisory Committee that can hear employee complaints.

#### **Officials see “denial,” residents eye Healy**

Yet with all these options in place, the city still was still drawing lawsuits even as it was settling a round of others. An order by councillor Craig Kelley some 13 months ago compelled a Law Department memo revealing the half-dozen lawsuits weighing against the city, and a June 17 closed-door council session with the Law Department showed the number had grown to seven since then.

“How can the liberal city of Cambridge have seven cases pending?” Reeves asked. Looking back at the previous round of accusations against the city, he said he expected that with so much indication of a systemic problem in City Hall “why wouldn't you kind of circle the wagons and figure out that there's something the matter here? But the response was largely one of great denial – “This is happening, but we're not talking about it and they're all just wrong. They've imagined this.”

During public comment, residents Elie Yarden and attorney Richard Clarey said they saw firsthand the damaging effects of Healy's approach toward Monteiro and her work as executive secretary with the Police Review & Advisory Board, the citizen oversight board for the police department, with Clarey saying that the then city manager not only fired her in 2003, but had tried to avoid interviewing and hiring her in the first place in the 1990s. Yet Healy was also the official deciding to fight Monteiro's lawsuit and, after the city's loss, to appeal the case twice.

With the city's Law Department overseen by the city manager and having a questionable record in resolving discrimination problems and responding to council requests for information – in fact, seemingly going out of its way to avoid providing information – both Kelley and Reeves have suggested that the City Counsel get its own lawyer.

Resident Steve Kaiser described Healy as having “very strong personality flaws” that included being “very stubborn and resistant to criticism” and not very interested in talking to or hearing from his constituents, especially opinionated ones. Kaiser said his last conversation with Healy was 23 years ago, despite being a resident for nearly 50 and active in politics and policy for decades. “The manager sat there as if he didn't want to have the meeting, was not interested – totally close-minded, even with the mayor present,” Kaiser said.

“Opinionated people may have some difficulties with this manager. And if you add in the factors of being black and being a woman, that may have made things worse,” Kaiser said.

Healy may simply have stayed in office too long, he said.

“I'm hoping that starting July 1 we [have begun] to have the sort of dialogue to try to resolve this, to try to patch up the misunderstandings so we don't have to go to court every time,” Kaiser said.

Barnes said she too was hopeful.

“There's a new administration in July. So I'm hopeful things will change. Things cannot continue the same way decade after decade,” she said.

## Details exposed in Cambridge discrimination case

By **Scott Wachtler/swachtler@wickedlocal.com**  
**Wicked Local Cambridge**

Posted Nov 03, 2011 @ 07:00 AM

Last update Nov 03, 2011 @ 05:54 PM



Cambridge —

While the city of Cambridge remains silent on how much it paid out to settle two discrimination cases filed against the city by former city workers, Wicked Local Cambridge has examined the original complaint.

The September 2000 complaint sheds light on the issues that brought Mary Wong and Linda Stamper to bring their lawsuit against the city and their difficulties dealing with Cambridge City Manager Bob Healy and his staff. It paints a picture of a city that systematically discriminated against minorities in the city's upper levels of employment.

Wong and Stamper were both hired in the early '90s. According to the complaint, the hiring of these two minority women and three others in the complaint came after the city was accused of not hiring minorities in key city departments.

"The City Manager [Healy] understood in the early '90s that he faced increasing political pressure to diversify the city's workforce," the complaint reads.

Wong was hired by the city back in 1994 as the executive director of the Kids' Council. Until the settlement in October, Wong was still employed by the city. The complaint describes her as an Asian American who immigrated to the United States from Hong Kong and is a naturalized U.S. citizen.

According to the complaint: in her first year, Wong was successful in creating an important grant proposal for a Center for Families pilot program funded by the Federal Department of Education. While the DOE considered the application to be outstanding and ranked it number one among the proposals it received, Wong found that she was not offered the same assistance offered to white employees.

When she asked her supervisor for more support she was denied help and told to “work harder.”

In 1995, Wong faced community objection to the placement of the Center for Families in a particular neighborhood. According to the complaint, the objection was racially charged. In response to the objections, the city manager’s office convened a meeting, which excluded Wong, a key advocate for the project.

“There were no people of color in attendance as the city manager’s office tried to broker a resolution between white city officials and white residents,” the complaint states.

In 1996, Wong received national recognition by the Children’s Defense Fund and was asked to be the Mass. spokesperson for a national event. When Wong pressed for support for the national event, the city manager, through the Assistant City Manager for Human Services, Ellen Semenoff criticized her for insufficient deference and inappropriate advocacy.

“When Wong advocated strongly for initiative supported by the Kids’ Council, she was told by the city manager, through Semenoff to take a more subordinate role and keep quite,” reads the complaint.

After three years of employment, and without any critical mentions in her file, Wong was asked to resign in 1997. The reason cited by Semenoff was Wong’s perceived inability to work with the former Superintendent of Cambridge Public Schools, Mary Lou McGrath. However, McGrath never complained about Wong and viewed her as an impressive professional. Wong declined to resign and informed the City Solicitor’s Office that she feared she was a victim of disparate treatment and discrimination.

After filing her complaint, Wong stated she was retaliated against by being put on probation and forced to submit her weekly schedules to a new supervisor who was her junior. She also said that once she spoke out she was left out of important discussions having to do with the Kids Council.

In a 2004 pre-trial memo, the city responded to the complaint by saying that Wong “has had long-standing performance issues” and her supervisors had “discussions with her as to her future with the city and whether she should consider alternative employment opportunities”

“To the extent that Ms. Wong may imply that her supervisors treated her differently because of her race or national origin, such an allegation is factually baseless,” the city stated.

Linda Stamper came to work in the City Solicitor’s office in 1992 and was discharged in 1999. Prior to working for the city, Stamper worked for 8 years as a practicing attorney.

The complaint describes Stamper as an African American who, during her tenure with the city solicitor’s office, faced treatment different from that given to her white colleagues.

As someone who has worked in a public service capacity since 1975, Stamper assumed that when she came on as an employee with the city, her benefits would carry over.

“She later discovered that the city had not credited her service, affecting her vacation and sick benefits,” the complaint states.

The director of personnel, Michael Gardner, told her that there was a strict rule permitting only credit for prior service in Cambridge. Other employees told Stamper that was not true. Gardner then told her that discussion about benefit carry-over should have been address pre-hire, and having not done that she could not receive those benefits.

According to Stamper’s complaint, white workers were able to have their benefits carry over.

Another example of the inequities she observed occurred when the Cambridge legal offices were renovated. Healy determined the distribution of the office space and under the new arrangement, Stamper would stay in the smallest office in the department, while two white women, both junior to her, received much larger offices.

Other instances included not being invited to policy and politics meetings. In addition, when she returned from maternity leave she asked the city solicitor, Don Drisdell, about the staffing on a particular case she was working on before she left. Attorney Nancy Glowa was also working on the case. Glowa, who is younger than Stamper and was the junior attorney on the case reportedly refused to work with Stamper saying “I can’t be seen to second-seat her.”

According to the complaint, Drisdell looked shocked, but said nothing, and allowed Glowa to handle the trial herself with no reprimand for her apparent belief that her reputation would be diminished if she were seen to be second-seating an African-American woman who was senior to her in the department.

In the city’s 2004 response memo, it’s stated that no white employees were allowed to carry over benefits from pervious jobs.

The city of Cambridge settled with Wong and Stamper in October for an undisclosed amount. Both Drisdell and Glowa continue to be employed by the city of Cambridge.

According to Stamper’s attorney, Ellen Zucker of Burns & Levinson LLP, Glowa sat at the counsel table throughout the Malvina Monteiro discrimination trial. In that case, the city was found guilty of retaliating against Monteiro for filing a discrimination case against the city. Glowa was also the attorney present at the internal hearing prior to Monteiro’s firing.

## **Boston Globe**

### **Court upholds race bias verdict**

Head of board had sued Cambridge

By Meghan E. Irons

Globe Staff / August 16, 2011

The state appeals court upheld a verdict yesterday against Cambridge's city manager in a long-running racial-discrimination case whose multimillion-dollar costs have ballooned over the past several years.

The Massachusetts Court of Appeals affirmed earlier court decisions upholding a 2008 jury verdict awarding Malvina Monteiro more than \$4.5 million after she alleged that city manager Robert Healy and other officials engaged in a systematic campaign to punish her after she filed a 1998 complaint against them with the Massachusetts Commission Against Discrimination.

Monteiro resigned as executive director of the city's Police Review and Advisory Committee in 2003 after city officials informed her of their intention to fire her.

The total bill in her case has ballooned to nearly \$10 million, including postjudgment interests, attorneys' fees, and court costs, said Ellen Zucker, who represents Monteiro, who is now in her homeland of Cape Verde.

"This is obviously a very gratifying result, and the victory belongs to my client Malvina Monteiro, who for years stood up for what is right and who had the courage to call the city out on its conduct," Zucker said.

Yesterday's decision prompted City Councilor Marjorie Decker to

urge Mayor David Maher to request a special executive session be held this week with members of the council, which is on summer break.

Decker, who had been urging the city to resolve the case, said she was not surprised by the ruling.

“From my point of view, the city should have done what it needed to do, learned its lesson, and moved on,” she said. “I have to believe that is going to happen” going forward.

Neither Healy nor Maher responded to Globe requests for comment last night. Healy, who is the longest-serving city manager and the highest paid in the state, made nearly \$330,000 last year.

City solicitor Don Drisdell would only say that the city’s legal counsel “is reviewing the decision.” The city has 14 days to respond to the ruling.

In yesterday’s decision, the appeals court affirmed a 2009 Middlesex Superior Court ruling and rejected the city’s arguments that several errors were made during the jury trial.

“We have no occasion to disturb the judgment,” the appeals court ruled.

The city’s appeal argued that errors made during Monteiro’s jury trial in 2008 included incorrect jury instructions, an improper closing argument, mistakes related to the jury’s damages award, and erroneous computation of postjudgment interest.

The appeals court said the city could have avoided the postjudgment interest from accumulating by making payment arrangements over the years.

“The city thus acted at its own peril by neglecting to pursue those alternatives,” the court wrote.

Monteiro was hired by the city in 1990 to head the city's Police Review and Advisory Committee, a civilian oversight group. She and four other women of color who held city management jobs alleged they were not treated the same way as their white colleagues and were not given the same opportunities.

In 2008, a jury awarded Monteiro a verdict that included \$3.5 million in punitive damages, which are rare in Massachusetts.

Then in September 2009, the case went before Judge Bonnie H. MacLeod-Mancuso in Middlesex Superior Court. The judge saved her strongest words for Healy, calling his behavior in the Monteiro matter "reprehensible."

"Healy indicated, in his testimony, that he was aware of the legal implications of retaliation," MacLeod-Mancuso wrote in 2009. "Such conscious disregard for the law of retaliation would provide relevant support for an argument that strong medicine is required to cure the defendant's disrespect for the law."

*Meghan E. Irons can be reached at [mirons@globe.com](mailto:mirons@globe.com) ■*

Crane, Paula

---

From: John Hawkinson [jhawk@MIT.EDU]  
Sent: Wednesday, July 17, 2013 9:30 PM  
To: Crane, Paula  
Subject: My remarks at Civic Unity

Hi, Paula:

These were my prepared remarks at tonight's Civic Unity committee.  
I may have deviated from them somewhat:

---cut

I've edited my comments to be forward-looking:

The City Solicitor having today made clear to me that the City is willing to meet its legal obligation to release to the public the names of the parties and docket numbers of pending discrimination lawsuits before the City (at least those that have made it to the Superior Court stage), I want to encourage the Council, going forward, to ensure that when such questions are asked by the Council, that the Council insist on receiving its answer in public, not in executive session.

In other words, the Council must not accept an answer from the City Solicitor of the form of "these matters must be discussed in executive session because they relate to pending litigation."

This is important for transparency, and transparency is really important to public confidence in the City's handling of these complaints when they reach the legal level. Hopefully they never reach that level, but when they do, it's important.

---cut

Thanks.

--jhawk@mit.edu  
John Hawkinson

Independent Journalist (as of 12/15/2012)  
+1 617 797 0250  
twitter: @johnhawkinson

John A. Hawkinson  
**Courier:** 84 Massachusetts Avenue, Room 557  
**Postal:** Box 397103  
Cambridge, MA 02139-7103  
617-797-0250 *jhawk@MIT.EDU*

Wednesday, July 17, 2013

**By electronic mail only**

The Honorable Cambridge City Council  
795 Massachusetts Avenue  
Cambridge, MA 02139

**Re: Pending litigation on discrimination lawsuits / AR #12-90**

Dear Madam Mayor and City Councillors:

I write to followup to my communication of July 3, 2013. City Solicitor Nancy E. Glowa today responded to my public records request<sup>1</sup>, and provided the docket numbers of three of the pending lawsuits, all of which are at Middlesex Superior Court. The remainder are before the Massachusetts Commission Against Discrimination (MCAD) and are therefore not subject to disclosure, Ms. Glowa wrote.

The dockets, lead parties<sup>2</sup>, dates of filing, and statuses are:

MICV2010-2688	Joanne Allison	07/16/2010	Active
MICV2010-4213	Gloria Law	11/08/2010	Active Ready for Trial
MICV2011-4385	Alysha Collins	12/09/2011	Needs discovery

I have attached the furnished records (2 summons and 2 civil action cover sheets) from the Law Department as well as the current detailed status of the lawsuits from the Superior Court.

I am also attaching Ms. Glowa's response, omitting the duplicate copy of my own July 3 request which she had attached<sup>3</sup>.

I hope this information is of interest. As I stated at tonight's Civic Unity Committee Meeting, I hope the Council will require this disclosure in the future, rather than accepting it in Executive Session. It is only with transparency that we can have confidence in the City's handling of these kinds of lawsuits.

Very truly yours,

s/JOHN A. HAWKINSON/  
John A. Hawkinson

Enclosures.

Cc: Donna Lopez, City Clerk, for inclusion in the record

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<sup>1</sup>Response was out-of-time. It was required by July 15, 2013 and was sent on July 17.

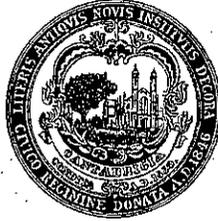
<sup>2</sup>Ms. Allison was joined by co-plaintiffs Dale Cusack, Joanne Gillespie, Katherine Kearney, and Nancy Sweeney.

<sup>3</sup>With respect to item #1 of my request, it appears the Law Department misunderstood my intent and provided a \$975.79 estimate for 2,825 pages. I had merely sought one page per suit, i.e. \$0.60 for 3 pages.

Nancy E. Glowa  
City Solicitor

Arthur J. Goldberg  
Deputy City Solicitor

Vali Buland  
First Assistant City Solicitor



Assistant City Solicitors

Paul S. Kawai  
Elizabeth A. Lashway  
Samuel A. Aylesworth  
Amy L. Witts  
Keplin K. U. Allwaters

## CITY OF CAMBRIDGE

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

By e-mail (jhawk@mit.edu)

July 17, 2013

John A. Hawkinson  
84 Massachusetts Avenue, Room 557  
Cambridge, MA 02139-7103

***Re: Public Records request of July 3 re litigation related to Awaiting Report 12-90***

Dear Mr. Hawkinson:

This is in response to your Public Records request of July 3, 2013 addressed to me for seven categories of documents "in regards to Awaiting Report 12-90 ('report on Executive Session to discuss lawsuits')." A copy of your request is attached. Pursuant to 950 CMR 32.06(2), this is the written good faith estimate of the search, segregation and copying fee that is payable before the City complies with your request.

Your first request was for documents containing the docket numbers and venues of the pending cases at issue. Some of the cases are pending in court and some are pending at the Massachusetts Commission Against Discrimination (MCAD.) The documents pertaining to the cases pending at the MCAD (which would include the docket numbers of those cases) are not subject to public disclosure based on Public Records Law exemptions (a), (c) and (f). Exemption (a) exempts documents "specifically or by necessary implication exempted from disclosure by statute." The Supervisor's "A Guide to the Massachusetts Public Records Law," at p.51, lists MCAD investigatory files as exempted by exemption (a) through G.L.c.151B, §5; and MCAD regulations, at 804 CMR 1.04(1) exempt the records in every charge pending at MCAD. Exemption (c) exempts information of a highly personal nature, such as MCAD records. Exemption (f), the investigatory exemption, is cited in 804 CMR 1.04(1) as a basis for the exemption of MCAD records pertaining to pending matters. In addition, there are documents not subject to disclosure based on the attorney-client privilege.

In order to comply comprehensively with this request as to the lawsuits pending in court it is estimated that the Law Department will have to search and segregate its records. It is estimated that the Law Department employee capable of performing the search and segregation has an hourly rate of \$50.01 and that it would take approximately 5 hours of the employee's time to perform the search and segregation, for a total cost of \$250.05. It is further estimated that there are approximately 2825 pages of documents containing the

docket numbers and venues of the lawsuits pending in court. Documents responsive to this request can be copied and produced to you at a cost of \$.20 per page for 2825 pages, or \$565.00, in addition to the time it would take the lowest paid Law Department employee capable of performing this function at the hourly rate of \$26.79 for 6 hours, or a total of \$160.74. The total of all of these costs for your first request is \$975.79. In addition, there are voluminous documents related to discovery in these lawsuits. It is not clear if you are seeking such documents. If you are seeking any such documents, please advise me and I will provide a further estimate as to the costs associated with searching for, segregating and copying any such non-exempt responsive documents.

Your second request was for the civil action cover sheets, or equivalent, for the lawsuits. There are three such documents responsive to this request which relate to the lawsuits pending in court, each of which is one page. Documents responsive to this request can be copied and produced to you at a cost of \$.20 per page, or \$.60. These documents are included among the documents that would be provided in response to your first request, so if you would like copies of documents responsive to both your first and second requests, you may subtract \$.60 from the total for both requests.

Your third request was for the status of all such lawsuits. There are no such documents related to the lawsuits other than documents not subject to disclosure based on the attorney-client privilege.

Your fourth request was for documents containing the names of the department of the City associated with each of the lawsuits. Documents that contain the names of the department of the City associated with each of the lawsuits are the same documents that would be produced in response to your first request.

Your fifth request was for the "past, current, and any intended or tentative future outside counsel for the City in each of these lawsuits." There are no documents related to the lawsuits that are responsive to this request.

Your sixth request was for the City's billing or money spent to date on outside counsel for these cases. There are no documents related to the lawsuits that are responsive to this request.

Your seventh request seeks any public records requests filed regarding these lawsuits and the City's responses. In order to comply comprehensively with this request it is estimated that the Law Department will have to search its records about what records it might have. It is estimated that the Law Department employee capable of performing the search has an hourly rate of \$61.85 and that it would take approximately 2 hours of the employee's time to perform the search, for a total cost of \$123.70. It is not known at this time whether that search will uncover records requests, so this estimate will be supplemented when more specific information about the existence and volume of responsive documents is verified and such documents, if any, can be evaluated in order to provide the estimate.

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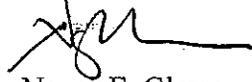
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Therefore, the total estimated compliance cost due now is \$1,099.49. The City will not waive the fee.

This estimated amount is payable in advance of the City actually complying with your request. You may pay by check payable to the City of Cambridge sent to my attention.

This is an estimate. If the amount you pay turns out to be more than was necessary to comply with your request, you will be refunded the difference. If the estimate turns out to be too little, the City will comply with the request to the extent paid for and will submit a new estimate to you to complete the response. We will wait to hear from you.

Very truly yours,



Nancy E. Glowa  
City Solicitor

CIVIL ACTION COVER SHEET

Trial Court of Massachusetts  
SUPERIOR COURT DEPARTMENT  
Middlesex Division

Docket #

10-2688

Plaintiff(s)  
Joanne Allison, et al.  
130 Hardy Street  
Dunstable MA 01827

Defendant(s)  
City of Cambridge  
795 Massachusetts Avenue  
Cambridge MA

ATTORNEY NAME, ADDRESS, TEL.  
MARISA A. CAMPAGNA (BBO# 552692)  
ATTORNEY AT LAW  
294 WASHINGTON STREET  
BOSTON, MA 02108  
(617) 338-1101

ATTORNEY(S) (if known)

ORIGIN CODE AND TRACK DESIGNATION

- 1.FO1 Original Complaint
- 2.FO2 Removal to Superior Court  
c. 231, s.104 (F)
- 3.FO3 Retransfer to Superior Court  
c. 231, s.102C (X)
- 4.FO4 District Court Appeal c231, s.97 (X)
- 5.FO5 Reactivated after Rescript; Relief  
from judgment/order (Mass R. Civ. P. 60) (X)
- 6.E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION

CODE NO.	TYPE OF ACTION	TRACK	JURY CASE
B22	Employment Discrimination	(F)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or triple damage claims; indicate single damages only.

TORT CLAIMS

- A. Documented medical expenses to date:
    - 1. Total hospital expenses ..... \$ \_\_\_\_\_
    - 2. Total Doctor expenses ..... \$ \_\_\_\_\_
    - 3. Total chiropractic expenses ..... \$ \_\_\_\_\_
    - 4. Total physical therapy expenses ..... \$ \_\_\_\_\_
    - 5. Total other expenses (describe) ..... \$ \_\_\_\_\_
    - Subtotal \$ \_\_\_\_\_
  - B. Documented lost wages and other compensation to date ..... \$ \_\_\_\_\_
  - C. Documented property damages to date ..... \$ \_\_\_\_\_
  - D. Reasonably anticipated future medical and hospital expenses ..... \$ \_\_\_\_\_
  - E. Reasonably anticipated lost wages ..... \$ \_\_\_\_\_
  - F. Other documented items of damages (describe) ..... \$ \_\_\_\_\_
  - G. Brief description of plaintiff's injury, including nature and extent of injury (describe) ..... \$ \_\_\_\_\_  
 Plaintiffs have suffered emotional distress for which no calculation has been made. \$ N/A
- TOTAL \$ \_\_\_\_\_

CONTRACT CLAIMS

(Attach additional sheets if necessary)

Provide details of claim(s) TOTAL \$ \_\_\_\_\_

EASE IDENTIFY, BY CASE NUMBER, NAME AND DIVISION, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT. None.

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules of Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discussed with them the advantages and disadvantages of the various methods."  
SIGNATURE OF ATTORNEY OF RECORD DATE July 15, 2010

FORM 1

<b>CIVIL ACTION COVER SHEET</b>	DOCKET NO.(S) MICV2010-04213-C	Trial Court of Massachusetts Superior Court Department County: Middlesex												
PLAINTIFF(S) Gloria Law	DEFENDANT(S) City of Cambridge													
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Michael L. Mason, Bennett & Belfort, P.C., 24 Thorndike St., Ste. 300, Cambridge, MA 02141 (617-577-8800) Board of Bar Overseers number: 662244	ATTORNEY (if known) Elizabeth Lashway, Cambridge Law Department, City Hall, 795 Massachusetts Avenue, Cambridge, MA 02139 (617-349-4121) BBO No. 6551E3													
Origin code and track designation														
Place an x in one box only: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <input checked="" type="checkbox"/> 1. F01 Original Complaint  <input type="checkbox"/> 2. F02 Removal to Sup. Ct. C.231, s. 104                      (Before trial) (F)  <input type="checkbox"/> 3. F03 Retransfer to Sup. Ct. C. 231, s. 102C(x)                 </td> <td style="width: 50%; border: none;"> <input type="checkbox"/> 4. F04 District Court Appeal C.231, s. 97 &amp;                      104 (After trial) (x)  <input type="checkbox"/> 5. F05 Reactivated after receipt relief from                      judgment/Order (Mass.R.Civ.P. 60)(x)  <input type="checkbox"/> 6. E10 Summary process Appeal (x)                 </td> </tr> </table>			<input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup. Ct. C.231, s. 104 (Before trial) (F) <input type="checkbox"/> 3. F03 Retransfer to Sup. Ct. C. 231, s. 102C(x)	<input type="checkbox"/> 4. F04 District Court Appeal C.231, s. 97 & 104 (After trial) (x) <input type="checkbox"/> 5. F05 Reactivated after receipt relief from judgment/Order (Mass.R.Civ.P. 60)(x) <input type="checkbox"/> 6. E10 Summary process Appeal (x)										
<input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup. Ct. C.231, s. 104 (Before trial) (F) <input type="checkbox"/> 3. F03 Retransfer to Sup. Ct. C. 231, s. 102C(x)	<input type="checkbox"/> 4. F04 District Court Appeal C.231, s. 97 & 104 (After trial) (x) <input type="checkbox"/> 5. F05 Reactivated after receipt relief from judgment/Order (Mass.R.Civ.P. 60)(x) <input type="checkbox"/> 6. E10 Summary process Appeal (x)													
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)														
CODE NO. B99	TYPE OF ACTION (Specify) Employment Discrimination	TRACK ( F )	IS THIS A JURY CASE? ( <input checked="" type="checkbox"/> ) Yes ( <input type="checkbox"/> ) No											
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.														
TORT CLAIMS (Attach additional sheets as necessary)														
A. Documented medical expenses to date: <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">1. Total hospital expenses .....</td> <td style="width: 20%;">\$ .....</td> </tr> <tr> <td>2. Total doctor expenses .....</td> <td>\$ .....</td> </tr> <tr> <td>3. Total chiropractic expenses .....</td> <td>\$ .....</td> </tr> <tr> <td>4. Total physical therapy expenses .....</td> <td>\$ .....</td> </tr> <tr> <td>5. Total other expenses (describe) .....</td> <td>\$ .....</td> </tr> <tr> <td style="text-align: right;">Subtotal \$ .....</td> <td></td> </tr> </table> B. Documented lost wages and compensation to date ..... \$ ..... C. Documented property damages to date ..... \$ ..... D. Reasonably anticipated future medical and hospital expenses ..... \$ ..... E. Reasonably anticipated lost wages ..... \$ ..... F. Other documented items of damages (describe) ..... \$ ..... G. Brief description of plaintiff's injury, including nature and extent of injury (describe) Plaintiff suffered unlawful harassment and retaliation, including wrongful termination from employment, causing lost wages and benefits, emotional distress, and other related damages. \$ 250,000 + <b>TOTAL \$ 250,000 +</b>			1. Total hospital expenses .....	\$ .....	2. Total doctor expenses .....	\$ .....	3. Total chiropractic expenses .....	\$ .....	4. Total physical therapy expenses .....	\$ .....	5. Total other expenses (describe) .....	\$ .....	Subtotal \$ .....	
1. Total hospital expenses .....	\$ .....													
2. Total doctor expenses .....	\$ .....													
3. Total chiropractic expenses .....	\$ .....													
4. Total physical therapy expenses .....	\$ .....													
5. Total other expenses (describe) .....	\$ .....													
Subtotal \$ .....														
CONTRACT CLAIMS (Attach additional sheets as necessary)														
Provide a detailed description of claim(s): Defendants unlawfully discriminated and retaliated against the Plaintiff, Gloria Law, for filing and maintaining a charge of discrimination with the Massachusetts Commission Against Discrimination. <b>TOTAL \$ +/- \$250,000.00</b>														
PLEASE IDENTIFY, BY CASE NUMBER AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT														
*I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods. Signature of Attorney of Record <i>[Signature]</i> Date: 11/5/10														

TO: NTG  
RECORDING 13,830

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: —  
TORT — MOTOR VEHICLE TORT — CONTRACT —  
EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT  
DEPARTMENT  
OF THE  
TRIAL COURT  
CIVIL ACTION  
No. 2010-04213-C

MIDDLESEX, ss



2010 DEC -7 A 8:42

OFFICE OF THE CLERK  
SUPERIOR COURT  
MIDDLESEX COUNTY

Gloria Law, Plaintiff(s)

v.

City of Cambridge, Defendant(s)

A TRUE COPY  
DEPUTY SHERIFF  
Middlesex County  
12-7-10  
DATE OF SERVICE

SUMMONS

To the above-named Defendant: City of Cambridge

You are hereby summoned and required to serve upon Michael L. Mason, Esq., Bennett & Belfort, P.C. plaintiff's attorney, whose address is 24 Thorndike Street, Cambridge, MA 02141, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at the 3rd day of December, 2010, in the year of our Lord

[Signature]  
Clerk

NOTES.

- 1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
- 2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: —  
TORT — MOTOR VEHICLE TORT — CONTRACT —  
EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT  
DEPARTMENT  
OF THE  
TRIAL COURT  
CIVIL ACTION

MIDDLESEX, ss



No. 2011 MICV-04385-C

Alysha Collins, Plaintiff(s)

City of Cambridge, Defendant(s)

SUMMONS

A TRUE COPY ATTEST  
DEPUTY CLERK  
Middlesex County  
2-29-12  
DATE OF SERVICE

2012 FEB 29 A 11:48  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

To the above-named Defendant:

You are hereby summoned and required to serve upon Howard T. Wilgoren  
plaintiff's attorney, whose address is 6 Beacon St.  
Suite 700 Boston MA 02108, an answer to the complaint which is herewith  
served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you  
fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also  
required to file your answer to the complaint in the office of the Clerk of this court at 2005 Trade  
Center Woburn MA 01894 either before service upon plaintiff's attorney or within a  
reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may  
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's  
claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at  
the day of  
in the year of our Lord

[Signature]  
Clerk

NOTES.

- 1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
- 2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

NOTICE TO DEFENDANT — You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

**Commonwealth of Massachusetts  
MIDDLESEX SUPERIOR COURT  
Case Summary  
Civil Docket**

**Allison et al v Cambridge**

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Details for Docket: MICV2010-02688

**Case Information**

<b>Docket Number:</b>	MICV2010-02688	<b>Caption:</b>	Allison et al v Cambridge
<b>Filing Date:</b>	07/16/2010	<b>Case Status:</b>	Active
<b>Status Date:</b>	12/18/2012	<b>Session:</b>	Civil H CtRm 520 (Woburn)
<b>Lead Case:</b>	NA	<b>Case Type:</b>	Most

**Tracking Deadlines**

<b>TRK:</b>	A	<b>Discovery:</b>	07/05/2012
<b>Service Date:</b>	10/14/2010	<b>Disposition:</b>	06/30/2013
<b>Rule 15:</b>	10/09/2011	<b>Rule 12/19/20:</b>	12/13/2010
<b>Final PTC:</b>	01/01/2013	<b>Rule 56:</b>	09/03/2012
<b>Answer Date:</b>	11/13/2010	<b>Jury Trial:</b>	YES

**Case Information**

<b>Docket Number:</b>	MICV2010-02688	<b>Caption:</b>	Allison et al v Cambridge
<b>Filing Date:</b>	07/16/2010	<b>Case Status:</b>	Active
<b>Status Date:</b>	12/18/2012	<b>Session:</b>	Civil H CtRm 520 (Woburn)
<b>Lead Case:</b>	NA	<b>Case Type:</b>	Action against Commonwealth/municipl

**Tracking Deadlines**

<b>TRK:</b>	A	<b>Discovery:</b>	07/05/2012
<b>Service Date:</b>	10/14/2010	<b>Disposition:</b>	06/30/2013
<b>Rule 15:</b>	10/09/2011	<b>Rule 12/19/20:</b>	12/13/2010
<b>Final PTC:</b>	01/01/2013	<b>Rule 56:</b>	09/03/2012
<b>Answer Date:</b>	11/13/2010	<b>Jury Trial:</b>	YES

**Parties Involved**

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6 Parties Involved in Docket: MICV2010-02688

<b>Party Involved:</b>	<b>Role:</b>	Defendant
------------------------	--------------	-----------

**Last Name:** Cambridge  
**Address:**  
**City:**  
**Zip Code:**  
**Telephone:**

**First Name:** City Of  
**Address:**  
**State:**  
**Zip Ext:**

**Party Involved:**

**Last Name:** Allison  
**Address:**  
**City:**  
**Zip Code:**  
**Telephone:**

**Role:** Plaintiff  
**First Name:** Joanne  
**Address:**  
**State:**  
**Zip Ext:**

**Party Involved:**

**Last Name:** Cusack  
**Address:**  
**City:**  
**Zip Code:**  
**Telephone:**

**Role:** Plaintiff  
**First Name:** Dale  
**Address:**  
**State:**  
**Zip Ext:**

**Party Involved:**

**Last Name:** Gillespie  
**Address:**  
**City:**  
**Zip Code:**  
**Telephone:**

**Role:** Plaintiff  
**First Name:** Joanne  
**Address:**  
**State:**  
**Zip Ext:**

**Party Involved:**

**Last Name:** Kearney  
**Address:**  
**City:**  
**Zip Code:**  
**Telephone:**

**Role:** Plaintiff  
**First Name:** Katherine  
**Address:**  
**State:**  
**Zip Ext:**

**Party Involved:**

**Last Name:** Sweeney  
**Address:**

**Role:** Plaintiff  
**First Name:** Nancy  
**Address:**



**Address:** 294 Washington St.  
**City:** Boston  
**Zip Code:** 02108  
**Telephone:** 617-338-1101  
**Fascimile:** 617-338-1102

**Attorney  
Involved:**

**Last Name:** Goldberg  
**Address:** 795 Massachusetts Avenue  
**City:** Cambridge  
**Zip Code:** 02139  
**Telephone:** 617-349-4121  
**Fascimile:** 617-349-4134

**Attorney  
Involved:**

**Last Name:** Campagna  
**Address:** 294 Washington St.  
**City:** Boston  
**Zip Code:** 02108  
**Telephone:** 617-338-1101  
**Fascimile:** 617-338-1102

**Attorney  
Involved:**

**Last Name:** Campagna  
**Address:** 294 Washington St.  
**City:** Boston  
**Zip Code:** 02108  
**Telephone:** 617-338-1101  
**Fascimile:** 617-338-1102

**Attorney  
Involved:**

**Last Name:** Lashway  
**Address:** Cambridge Law Department  
**City:** Cambridge

**Address:** Suite 426  
**State:** MA  
**Zip Ext:**  
**Tel Ext:**  
**Representing:** Kearney, Katherine (Plaintiff)

**Firm Name:** CAMB01  
**First Name:** Arthur J  
**Address:**  
**State:** MA  
**Zip Ext:**  
**Tel Ext:**  
**Representing:** Cambridge, City Of (Defendant)

**Firm Name:**  
**First Name:** Marisa A  
**Address:** Suite 426  
**State:** MA  
**Zip Ext:**  
**Tel Ext:**  
**Representing:** Gillespie, Joanne (Plaintiff)

**Firm Name:**  
**First Name:** Marisa A  
**Address:** Suite 426  
**State:** MA  
**Zip Ext:**  
**Tel Ext:**  
**Representing:** Cusack, Dale (Plaintiff)

**Firm Name:**  
**First Name:** Elizabeth A  
**Address:** 795 Massachusetts Ave  
**State:** MA

<b>Zip Code:</b>	02139	<b>Zip Ext:</b>	
<b>Telephone:</b>	617-349-4121	<b>Tel Ext:</b>	4133
<b>Fascimile:</b>	617-349-4134	<b>Representing:</b>	Cambridge, City Of (Defendant)

## Calendar Events

8 Calendar Events for Docket: MICV2010-02688

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	12/27/2010	14:00	Motion/Hearing: Rule12 to Dismiss	H	Event rescheduled by court prior to date
2	03/10/2011	14:00	Motion/Hearing: Rule12 to Dismiss	H	Event held as scheduled
3	11/01/2011	14:00	Conf: final pre-trial	H	Event canceled not re-scheduled
4	07/16/2012	14:00	Conf: review status	H	Event canceled not re-scheduled
5	12/18/2012	14:00	Motion/Hearing: Rule56	H	Event held (ACTIVE ) Under Advisement
6	05/17/2013	08:30	Status: administrative	H	Event canceled not re-scheduled
7	06/26/2013	14:00	Conf: prelim pre-trial	H	Event rescheduled by court prior to date
8	09/25/2013	14:00	Conf: prelim pre-trial	H	

## Full Docket Entries

131 Docket Entries for Docket: MICV2010-02688

Entry Date:	Paper No:	Docket Entry:
07/16/2010	1	Complaint & civil action cover sheet filed
07/16/2010		Origin 1, Type B22, Track F.
07/16/2010		Track changed to A, Origin 1, Type E03.
08/04/2010	2	SERVICE RETURNED: City Of Cambridge(Defendant) 7/21/10 in hd 795
08/04/2010	2	Massachusetts Avenue, Cambridge, MA
08/10/2010		Def't's Notice of intent to file motion to dismiss
08/16/2010		Pleading, Plaintiffs' Opposition to defendant's Motion To Dismiss,
08/16/2010		returned to Marisa A Campagna, Esq., for/or Joanne Allison.: No such
08/16/2010		motion on the docket
08/20/2010	3	Defendant's Motion To Dismiss Portions Of The Complaint in paragraphs
08/20/2010	3	22-35, 42 58, and 100-107, including Counts 7 and 8, of the
08/20/2010	3	complaint; Defendant's Memorandum in support of its Motion to Dismiss

08/20/2010	3	Portions of the Complaint; Plaintiffs' Opposition To Defendnat's
08/20/2010	3	Motion To Dismiss
08/20/2010	4	DefT City Of Cambridge Request for leave to file a reply memorandum
08/20/2010	4	in response to plaintiff opposition to defendant's Motion To Dismiss.
09/15/2010		(P#4) ALLOWED. (Thomas Billings, J.) Dated & Notices mailed 9/15/2010
09/24/2010	5	Defendant's reply memorandum in response to plaintiffs' opposition To
09/24/2010	5	to defendant's motion to d disiss portion of the complaint
03/10/2011		Motion (P#3) DENIED. Plaintiff will not be awarded costs. (Thomas R.
03/10/2011		Murtagh, Justice) Dated & Notices mailed 3/10/2011
03/21/2011	6	ANSWER by City Of Cambridge to COMPLAINT (claim of trial by jury
03/21/2011	6	reqstd)
04/05/2011		Atty Arthur J Goldberg's notice of appearance for City Of Cambridge
04/05/2011	7	Court received COVER LETTER from Atty Arthur J. Goldberg, Esq.
04/05/2011	7	REQUESTING Leave of Court to Submit a Reply to plffs opposition to
04/05/2011	7	deft's motion to amend tracking order & tracking designation
04/11/2011		(P#7) ALLOWED. Dated 4/6/11 (Thomas R. Murtagh, Justice). Notices
04/11/2011		mailed 4/11/2011
04/19/2011	8	Deft City Of Cambridge's MOTION to amend the tracking order events
04/19/2011	8	and change the tracking designation from the Fast (F) Track to the
04/19/2011	8	Average (A) Track; Memo in support of; Plffs' opposition; Deft's
04/19/2011	8	reply to plffs opposition
04/25/2011		Motion (P#8) ALLOWED. Average track applies to all claims against
04/25/2011		municipalities. Dated 4/22/11 (Thomas R. Murtagh, Justice) Notices
04/25/2011		mailed 4/25/2011
05/06/2011		Atty Vali Buland's notice of appearance for City Of Cambridge
04/20/2012	9	Application (33a) for Final Judgment of Defendant, City of Cambridge
04/20/2012	9	v. Plaintiff Nancy Sweeney and Katherine Kearney for and affidavit.
05/02/2012	10	JUDGMENT (MASS.R.CIV.P. 33(a)) FOR Defendant Pursuant to Rule 33(a),
05/02/2012	10	subject to the provisions of Rules 54B, 54(c), 55(b)1, 55(b)2(final
05/02/2012	10	sentence), 55(b)(4) (as amended), and 55(c) of the Mass. R.Civ.P., it
05/02/2012	10	appearing to the Clerk/Magistrate that an Application for the Entry
05/02/2012	10	of Final Judgment of relief was made by the defendants(s),
05/02/2012	10	accompanied by a copy of the final request for answers and required
05/02/2012	10	affidavit, and that no answers to the interrogatories have been
05/02/2012	10	served upon the defendant It is ORDERED and ADJUDGED: That the
05/02/2012	10	Complaint of the plaintiff(s)Katherine Kearney and Nancy Sweeney be
05/02/2012	10	and hereby is DISMISSED against the defendant(s) City Of Cambridge,
05/02/2012	10	with costs. Dated at Woburn, Massachusetts this 24th day of April,
05/02/2012	10	2012. Entered on docket and copies mailed 5/2/12

05/02/2012	11	Stipulation of partial dismissal. Pursuant to Rule 41 (a)(1)(ii) of
05/02/2012	11	the MASS.R.CIV.P, it is hereby agreed by the parties in the above
05/02/2012	11	captioned matter, that all counts brought by Katherine Kearney ONLY
05/02/2012	11	including without limitation, Counts 7 and 8 in the complaint shall
05/02/2012	11	be and hereby are dsimissed with prejudice and without costs or fees.
05/02/2012	11	The parties hereby waive all rights of appeal as to Katherine Kearney
05/02/2012	12	Stipulation of partial dismissal. Pursuant to Rule 41 (a)(1)(ii) of
05/02/2012	12	the MASS.R.CIV.P, it is hereby agreed by the parties in the above
05/02/2012	12	captioned matter, that all counts brought by Nancy Sweeney ONLY
05/02/2012	12	including without limitation, Counts 9 and 10 in the complaint shall
05/02/2012	12	be and hereby are dsimissed with prejudice and without costs or fees.
05/02/2012	12	The parties hereby waive all rights of appeal as to Nancy Sweeney
05/08/2012	13	Defendant City Of Cambridge's MOTION to compel
05/14/2012	14	Plaintiffs' Joanne Allison's Motion For Reconsideration Of Partial
05/14/2012	14	Dismissal ; Defendant's opposition to Plaintiffs' Joanne Allison's
05/14/2012	14	Motion For Reconsideration Of Partial Dismissal
05/14/2012	15	Plaintiffs, MOTION for Protective Order; Defendant's oposition to
05/14/2012	15	Plaintiffs, MOTION for Protective Order; Affidavit of compliance with
05/14/2012	15	Superior COURT rULE 9a
05/18/2012		Motion (P#15) DENIED. Dated: May 16, 2012 (Thomas R. Murtagh,
05/18/2012		Justice) Notices mailed 5/18/2012
05/21/2012		Motion (P#14) is DENIED. There will be no cost assessed in connection
05/21/2012		with this motion and the City's opposition(Thomas R. Murtagh,
05/21/2012		Justice) Dated: May 16, 2012. Notices mailed 5/21/2012
06/11/2012	16	Defendant City Of Cambridge's MOTION to extend discovery deadline and
06/11/2012	16	subsequent Tracking Order events; Memorandum in support of;
06/11/2012	16	Plaintiffs' opposition to deft's motion; Sup. Ct. Rule 9C
06/11/2012	16	Certification in support of
06/20/2012	17	STIPULATION REGARDING PLAINTIFF, JOANNE GILLESPIE'S EMOTIONAL
06/20/2012	17	DISTRESS CLAIMS
07/02/2012		Defendant City Of Cambridge's Notice of intent to file motion to
07/02/2012		compel
07/16/2012	18	Defendant City Of Cambridge's MOTION to compel Plaintiff Joan Allison
07/16/2012	18	To Answer Questions at Her Deposition Related To Her Medical
07/16/2012	18	Diagnoses, Treatment, And History Pertaining To Her Emotional
07/16/2012	18	Distress Claim; Defendant City Of Cambridge's Memorandum in support
07/16/2012	18	of its MOTION to compel Plaintiff Joan Allison To Answer Questions at
07/16/2012	18	Her Deposition Related To Her Medical Diagnoses, Treatment, And
07/16/2012	18	History Pertaining To Her Emotional Distress Claim; Plaintiff's

07/16/2012	18	opposition to Defendant City Of Cambridge's MOTION to compel
07/16/2012	18	Plaintiff Joan Allison To Answer Questions at Her Deposition Related
07/16/2012	18	To Her Medical Diagnoses, Treatment, And History Pertaining To Her
07/16/2012	18	Emotional Distress Claim
07/18/2012		Motion (P#16) ALLOWED in part. Discovery is extended through
07/18/2012		September 14, 2012, and the Rule 56 filing deadline is extended to
07/18/2012		October 19, 2012. Dated: July 17, 2012 (Henry, J.) Notices mailed
07/18/2012		7/18/2012
07/18/2012		Motion (P#17) May be docketed. Dated: July 17, 2012 (Henry, J.).
07/18/2012		Notices mailed 7/18/2012
07/18/2012		Motion (P#13) ALLOWED after review of all materials submitted by the
07/18/2012		parties. Access to the medical information is limited to attorneys
07/18/2012		for the City and any experts retained by the city. If counsel for the
07/18/2012		city believes someone else has a "need" to review those records, She
07/18/2012		shall discuss that review with counsel for the plaintiffs. If no
07/18/2012		agreement. If no agreement is reached, the city may seek court
07/18/2012		approval by way of a motion filed in accordance with rule 9A. Dated:
07/18/2012		July 17, 2012 (Henry, J.) Notices mailed 7/18/2012
08/06/2012		Motion (P#18) ALLOWED: Allowed, as Allison has put her medical
08/06/2012		information at issue, provided that the Medical Information shall be
08/06/2012		used solely for the purpose of defending this case, shall not be
08/06/2012		public record, and shall be disclosed only to counsel and her staff,
08/06/2012		consulting or testifying doctors or nurses, city officials or
08/06/2012		employees who have direct responsibility for decisions about the
08/06/2012		conduct of this case or settlement and any one person who may be
08/06/2012		agreed upon by the parties or authorized by future order of the
08/06/2012		court. Dated: August 3, 2012 (Wilkins, J.) Notices mailed 8/6/2012
10/22/2012	19	Defendant's MOTION for Partial Summary Judgment, pursuant to
10/22/2012	19	Mass.R.Civ.P. 56, Defendant's Memorandum in Support of Its Motion For
10/22/2012	19	Partial Summary Judgment, Plaintiffs' Opposition to Defendant's
10/22/2012	19	Motion for Partial Summary Judgment, Statement of Material Facts and
10/22/2012	19	Joint Appendix
12/18/2012		Hearing on (P#19) held, matter taken under advisement. (Paul D.
12/18/2012		Wilson, Justice)
03/27/2013	20	MEMORANDUM OF DECISION AND ORDER For the foregoing reasons, I Allow
03/27/2013	20	In Part And Deny In Part Defendant's Motion for Summary Judgment. The
03/27/2013	20	motion is Allowed as to all of Plaintiff Cusack's Claims, namely
03/27/2013	20	Counts 5 and 6 of the Complaint. The motion is Denied without
03/27/2013	20	Prejudice as to Plaintiff Allison's allegations concerning pre-2007

03/27/2013	20	incidents in Paragraphs 22-25 of the Complaint. (Paul D. Wilson,
03/27/2013	20	Justice). Copies mailed 3/27/2013

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**Commonwealth of Massachusetts  
MIDDLESEX SUPERIOR COURT  
Case Summary  
Civil Docket**

## Law v Cambridge

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Details for Docket: MICV2010-04213

### Case Information

<b>Docket Number:</b>	MICV2010-04213	<b>Caption:</b>	Law v Cambridge
<b>Filing Date:</b>	11/08/2010	<b>Case Status:</b>	Active Ready for Trial
<b>Status Date:</b>	07/16/2013	<b>Session:</b>	Civil C CtRm 610 (Woburn)
<b>Lead Case:</b>	NA	<b>Case Type:</b>	Most

### Tracking Deadlines

<b>TRK:</b>	A	<b>Discovery:</b>	01/28/2013
<b>Service Date:</b>	02/06/2011	<b>Disposition:</b>	10/23/2013
<b>Rule 15:</b>	02/01/2012	<b>Rule 12/19/20:</b>	04/07/2011
<b>Final PTC:</b>	07/26/2013	<b>Rule 56:</b>	03/27/2013
<b>Answer Date:</b>	03/08/2011	<b>Jury Trial:</b>	YES

### Case Information

<b>Docket Number:</b>	MICV2010-04213	<b>Caption:</b>	Law v Cambridge
<b>Filing Date:</b>	11/08/2010	<b>Case Status:</b>	Active Ready for Trial
<b>Status Date:</b>	07/16/2013	<b>Session:</b>	Civil C CtRm 610 (Woburn)
<b>Lead Case:</b>	NA	<b>Case Type:</b>	Action against Commonwealth/municipl

### Tracking Deadlines

<b>TRK:</b>	A	<b>Discovery:</b>	01/28/2013
<b>Service Date:</b>	02/06/2011	<b>Disposition:</b>	10/23/2013
<b>Rule 15:</b>	02/01/2012	<b>Rule 12/19/20:</b>	04/07/2011
<b>Final PTC:</b>	07/26/2013	<b>Rule 56:</b>	03/27/2013
<b>Answer Date:</b>	03/08/2011	<b>Jury Trial:</b>	YES

## Parties Involved

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2 Parties Involved in Docket: MICV2010-04213

<b>Party Involved:</b>	<b>Role:</b>	Defendant
------------------------	--------------	-----------

**Last Name:** Cambridge  
**Address:** 795 Massachusetts Avenue  
**City:** Cambridge  
**Zip Code:**  
**Telephone:**

**First Name:** City Of  
**Address:**  
**State:** MA  
**Zip Ext:**

**Party Involved:**

**Last Name:** Law  
**Address:**  
**City:** Malden  
**Zip Code:**  
**Telephone:**

**Role:** Plaintiff  
**First Name:** Gloria  
**Address:**  
**State:** MA  
**Zip Ext:**

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## Attorneys Involved

---

2 Attorneys Involved for Docket: MICV2010-04213

**Attorney Involved:**

**Last Name:** Lashway  
**Address:** Cambridge Law Department  
**City:** Cambridge  
**Zip Code:** 02139  
**Telephone:** 617-349-4121  
**Fascimile:** 617-349-4134

**Firm Name:**

**First Name:** Elizabeth A  
**Address:** 795 Massachusetts Ave  
**State:** MA  
**Zip Ext:**  
**Tel Ext:** 4133  
**Representing:** Cambridge, City Of (Defendant)

**Attorney Involved:**

**Last Name:** Mason  
**Address:** 24 Thorndike Street  
**City:** Cambridge  
**Zip Code:** 02141  
**Telephone:** 617-577-8800  
**Fascimile:** 617-577-8811

**Firm Name:**

**Firm Name:** BENN06  
**First Name:** Michael L.  
**Address:** Suite 300  
**State:** MA  
**Zip Ext:** 1181  
**Tel Ext:**  
**Representing:** Law, Gloria (Plaintiff)

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## Calendar Events

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## 4 Calendar Events for Docket: MICV2010-04213

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	07/16/2013	14:00	Conf: final pre-trial	C	Event held as scheduled
2	07/22/2013	14:00	Conf: final pre-trial	C	Event not held-req of Defendant
3	04/10/2014	14:00	Conference: Final Trial Conference	C	
4	04/28/2014	09:00	TRIAL: by jury	C	

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**Full Docket Entries**


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## 72 Docket Entries for Docket: MICV2010-04213

Entry Date:	Paper No:	Docket Entry:
11/08/2010	1	Complaint & civil action cover sheet filed
11/08/2010		Origin 1, Type E99, Track X.
11/08/2010		Track changed to A, Origin 1, Type E03.
12/16/2010	2	SERVICE RETURNED: City Of Cambridge(Defendant) 12/7/10 in hd, 795
12/16/2010	2	Massachusetts Ave., Cambridge, MA 02139
01/06/2011	3	ANSWER by City Of Cambridge to COMPLAINT (claim of trial by jury
01/06/2011	3	reqstd)
02/15/2011	4	Joint MOTION to change track designation, Joint memorandum in support.
02/17/2011		Motion (P#4) After review and by agreement motion ALLOWED. Case
02/17/2011		assigned to the "A" Track designation E03. A new Tracking Order shall
02/17/2011		issue to the parties. Dated: February 17, 2011 (S. Jane Haggerty,
02/17/2011		Justice) Notices mailed 2/17/2011
10/22/2012	5	Joint MOTION to extend discovery deadline and subsequent tracking
10/22/2012	5	order events, Memorandum in support.
10/22/2012	6	Defendant City Of Cambridge's MOTION for an order compelling
10/22/2012	6	Arbout-HRI Hospital to produce plaintiff's medical records,
10/22/2012	6	Memorandum in support, Sup ct rule 9A affidavit of Elizabeth A.
10/22/2012	6	Lashway.
10/25/2012		Motion (P#6) After review and without opposition motion ALLOWED.
10/25/2012		Dated: October 25, 2012 (Henry, J.) Notices mailed 10/25/2012
10/25/2012	7	ORDER ON CITY OF CAMBRIDGE'S MOTION FOR AN ORDER COMPELLING
10/25/2012	7	ARBOUR-HRI HOSPITAL TO PRODUCE PLAINTIFF'S MEDICAL RECORDS: It is
10/25/2012	7	hereby Ordered that the City of Cambridge's Motion for an Order
10/25/2012	7	Compelling Arbour-HRI Hospital to Produce Plaintiff's Medical Records
10/25/2012	7	is allowed. Arbour-HRI Hospital is hereby compelled to produce to the
10/25/2012	7	City of Cambridge within fifteen (15) days of receipt of this Order

10/25/2012	7	the medical records and medical bills of Plaintiff Gloria Law for the
10/25/2012	7	period of October 1, 2012 to January 31, 2011. Said medical records
10/25/2012	7	and bills shall be certified under M.G.L. c. 233, sec 79G. Dated:
10/25/2012	7	October 25, 2012 (Henry, J) mailed
10/26/2012		Motion (P#5) After review, motion ALLOWED (Bruce R. Henry, Justice)
10/26/2012		dated 10/26/12 and Notices mailed 10/26/2012
01/30/2013		Defendant City Of Cambridge's Notice of intent to file motion to
01/30/2013		compel
02/08/2013	8	Request of deft City Of Cambridge for leave to file a reply
02/08/2013	8	memorandum.
02/12/2013		Motion (P#8) ALLOWED, reply limited to seven (7) pages. Dated:
02/12/2013		February 12, 2013 (Edward P. Leibensperger, Justice) Notices mailed
02/12/2013		2/12/2013
02/21/2013	9	Defendant City Of Cambridge's MOTION to compel Plaintiff to appear
02/21/2013	9	for an examination by a Psychiatrist, to supplement her expert
02/21/2013	9	interrogatory answer and document production and to produce medical
02/21/2013	9	bills; Deft's Memorandum in support of; Plff's opposition to deft's
02/21/2013	9	motion; Defendant City Of Cambridge's Reply to Plaintiff's
02/21/2013	9	opposition; Sup. Ct. Rule 9C Certificate in support of deft's motion
02/28/2013		Motion (P#9) Upon review, the motion is ALLOWED to the extent that
02/28/2013		plaintiff shall submit to a medical examination by defendant's doctor
02/28/2013		within the next thirty (30) days. Plaintiff's requests for special
02/28/2013		protections during the exam are DENIED. Otherwise, this motion is
02/28/2013		DENIED, with the admonition that if plaintiff intends to elicit
02/28/2013		expert opinions from Dr. Balya, further answers to expert
02/28/2013		interrogatories must be served. Dated: February 25, 2013 (Edward P.
02/28/2013		Leibensperger, Justice). Notices mailed 2/28/2013
06/05/2013	10	Request For Leave To File Reply Memoandum
06/10/2013		Motion (P#10) ALLOWED. Dated 6/7/13. (Maureen B. Hogan, Justice)
06/10/2013		Notices mailed 6/10/2013
06/17/2013	11	Defendant, City Of Cambridge's MOTION to compel plaintiff To Appear
06/17/2013	11	For Examination By a Psychologist And For A Follow-Up Examination
06/17/2013	11	Thereafter By Doctor Renee Sorrentino ; Defendant, City Of
06/17/2013	11	Cambridge's Memorandum in support of its MOTION to compel plaintiff
06/17/2013	11	To Appear For Examination By a Psychologist And For A Follow-Up
06/17/2013	11	Examination Thereafter By Doctor Renee Sorrentino ; Affidavit of
06/17/2013	11	Renee Marie Sorrentino, M.D. ; Plaintiff's opposition to Defendant's
06/17/2013	11	Motion To Compel Further Mental Health Examinations Of The Plaintiff;
06/17/2013	11	City Of Cambridge reply to plaintiff's opposition to Defendant, City

06/17/2013	11	Of Cambridge's MOTION to compel plaintiff To Appear For Examination
06/17/2013	11	By a Psychologist And For A Follow-Up Examination Thereafter By
06/17/2013	11	Doctor Renee Sorrentino ;
06/21/2013		Motion (P#11) Upon consideration, motion Allowed. (Maureen B. Hogan,
06/21/2013		Justice). dated 6/20/13 and Notices mailed 6/21/2013
07/15/2013	12	Joint Pre-trial memorandum
07/16/2013	13	Joint pre-trial memorandum ( Filed in Court this day )

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**Commonwealth of Massachusetts  
MIDDLESEX SUPERIOR COURT  
Case Summary  
Civil Docket**

## Collins v Cambridge

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Details for Docket: MICV2011-04385

### Case Information

<b>Docket Number:</b>	MICV2011-04385	<b>Caption:</b>	Collins v Cambridge
<b>Filing Date:</b>	12/09/2011	<b>Case Status:</b>	Needs discovery
<b>Status Date:</b>	03/21/2012	<b>Session:</b>	Civil C CtRm 610 (Woburn)
<b>Lead Case:</b>	NA	<b>Case Type:</b>	Most

### Tracking Deadlines

<b>TRK:</b>	A	<b>Discovery:</b>	11/28/2013
<b>Service Date:</b>	03/08/2012	<b>Disposition:</b>	11/23/2014
<b>Rule 15:</b>	03/03/2013	<b>Rule 12/19/20:</b>	05/07/2012
<b>Final PTC:</b>	05/27/2014	<b>Rule 56:</b>	01/27/2014
<b>Answer Date:</b>	04/07/2012	<b>Jury Trial:</b>	YES

### Case Information

<b>Docket Number:</b>	MICV2011-04385	<b>Caption:</b>	Collins v Cambridge
<b>Filing Date:</b>	12/09/2011	<b>Case Status:</b>	Needs discovery
<b>Status Date:</b>	03/21/2012	<b>Session:</b>	Civil C CtRm 610 (Woburn)
<b>Lead Case:</b>	NA	<b>Case Type:</b>	Action against Commonwealth/municipl

### Tracking Deadlines

<b>TRK:</b>	A	<b>Discovery:</b>	11/28/2013
<b>Service Date:</b>	03/08/2012	<b>Disposition:</b>	11/23/2014
<b>Rule 15:</b>	03/03/2013	<b>Rule 12/19/20:</b>	05/07/2012
<b>Final PTC:</b>	05/27/2014	<b>Rule 56:</b>	01/27/2014
<b>Answer Date:</b>	04/07/2012	<b>Jury Trial:</b>	YES

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## Parties Involved

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2 Parties Involved in Docket: MICV2011-04385

<b>Party Involved:</b>	<b>Role:</b>	Defendant
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**Last Name:** Cambridge  
**Address:**  
**City:**  
**Zip Code:**  
**Telephone:**

**First Name:** City Of  
**Address:**  
**State:**  
**Zip Ext:**

**Party Involved:**

**Last Name:** Collins  
**Address:**  
**City:** Fall River  
**Zip Code:**  
**Telephone:**

**Role:** Plaintiff  
**First Name:** Alysha  
**Address:**  
**State:** MA  
**Zip Ext:**

## Attorneys Involved

2 Attorneys Involved for Docket: MICV2011-04385

**Attorney Involved:**

**Last Name:** Wilgoren  
**Address:** 6 Beacon St.  
**City:** Boston  
**Zip Code:** 02108  
**Telephone:** 617-523-5233  
**Fascimile:** 617-523-5236

**Firm Name:**

**First Name:** Howard Ira  
**Address:** Suite 700  
**State:** MA  
**Zip Ext:**  
**Tel Ext:**  
**Representing:** Collins, Alysha (Plaintiff)

**Attorney Involved:**

**Last Name:** Aylesworth  
**Address:** 795 Massachusetts Avenue  
**City:** Cambridge  
**Zip Code:** 02139  
**Telephone:** 617-349-4131  
**Fascimile:** 617-349-4134

**Firm Name:**

**First Name:** Samuel A  
**Address:** City Hall  
**State:** MA  
**Zip Ext:**  
**Tel Ext:**  
**Representing:** Cambridge, City Of (Defendant)

## Calendar Events

1 Calendar Events for Docket: MICV2011-04385

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	10/10/2013	14:00	Conf: final pre-trial	C	

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### Full Docket Entries

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9 Docket Entries for Docket: MICV2011-04385

Entry Date:	Paper No:	Docket Entry:
12/09/2011	1	Complaint & civil action cover sheet filed
12/09/2011		Origin 1, Type E03, Track A.
03/05/2012		Pleading, Copy of Summons, returned to Howard Ira Wilgoren, Esq.,
03/05/2012		for/or Alysha Collins.:The Court needs the ORIGINAL Summons, not a
03/05/2012		copy.
03/14/2012	2	SERVICE RETURNED: City Of Cambridge(Defendant), 2/29/12, in hand to
03/14/2012	2	Bernadette Valentin, agent, 795 Mass. Ave., Cambridge, Ma
03/21/2012	3	ANSWER by City Of Cambridge to COMPLAINT (claim of trial by jury
03/21/2012	3	reqstd)

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OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

John A. Hawkinson  
**Courier:** 84 Massachusetts Avenue, Room 557  
**Postal:** Box 397103  
Cambridge, MA 02139-7103  
617-797-0250 *jhawk@MIT.EDU*

Wednesday, July 3, 2013

**By electronic mail only**

Cambridge City Council  
795 Massachusetts Avenue  
Cambridge, MA 02139

**Re: Pending litigation on discrimination lawsuits / AR #12-90**

Dear Madam Mayor and City Councillors:

Please see the attached public records request submitted to the City Solicitor this morning, for your information. I hope it may be of interest.

Have a pleasant holiday.

Very truly yours,

s/**JOHN A. HAWKINSON**/  
John A. Hawkinson

Enclosure.

Cc: Donna Lopez, Interim City Clerk, for inclusion in the record

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Postal: Box 397103  
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617-797-0250 [jhawk@MIT.EDU](mailto:jhawk@MIT.EDU)

Wednesday, July 3, 2013

Ms. Nancy E. Glowa, BBO#545995  
City Solicitor  
795 Massachusetts Avenue  
Cambridge, MA 02139  
617-349-4121  
**By e-mail: [nglowa@cambridgema.gov](mailto:nglowa@cambridgema.gov)**

Dear Ms. Glowa:

This is a public records request pursuant to the Mass Public Records Law. Compliance with the request is required within ten calendar days, i.e. by Monday, July 15<sup>1</sup>. This is in regards to Awaiting Report 12-90 (“report on Executive Session to discuss lawsuits”), so I imagine you will claim various statutory exemptions, given your stance offered at the June 3, 2013 meeting of the City Council: “These matters must be discussed in executive session because they relate to pending litigation, and any public discussion about these matters would adversely affect the City’s position in that litigation.”

Nevertheless, I file this request in the hopes that you can be quite clear and explicit about the exemptions claimed for each of the following requests. “A denial must detail the specific basis for withholding the requested materials. The denial must include a citation to one of the statutory exemptions upon which the records custodian relies, and must explain why the exemption applies” (*A Guide to the Massachusetts Public Records Law* at 7, emphasis mine).

I do hereby request the following records, each as a separate public records request, and respectfully request separate explanations for the denial of each (if denied), to the extent that such responses are not purely duplicative; I also request separate cost itemizations for each:

1. The docket numbers and venues of each of all pending discrimination and wrongful termination complaints to which the City is a party.
2. The civil action cover sheets, or equivalent, (redacted if necessary) for each of these lawsuits.

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<sup>1</sup>applying 950 C.M.R. §32.04(3) time standards

3. The status of all such lawsuits, such as that reported by [ma-trialcourts.org](http://ma-trialcourts.org), e.g. "Needs discovery," "Disposed: by Settlement," "Appeal Assembled," "Needs review for *whatever*," etc. Or any similar or substantially equivalent status.
4. The departments of the City associated with each of these lawsuits.
5. The past, current, and any intended or tentative future outside counsel for the City in each of these lawsuits.
6. The City's billing (i.e. money spent to date) for outside counsel or any other external legal services associated with each of these lawsuits (redacted if necessary); total dollars per suit is sufficient, though finer breakdown is acceptable.
7. Any public records requests filed regarding these lawsuits, the City's responses, and any related dialogue, including but not limited to appeals, narrowings, adjustments, withdrawals, productions, denials, etc.

You may recognize some of these questions as being duplicative of questions the Council and others may have asked of you. To the extent that is the case, I apologize for the lack of economy, but I imagine that any such duplication means the answers are already to-hand and thus eases the burden of compliance.

I understand that the Public Records Law does not require you to create a record where one does not exist; it also does not bar you from electing to do so.

I request these materials be provided electronically, and that the City waive any public records fees associated with these materials, despite its longstanding policy of refusing to waive fees<sup>2</sup>.

I wish you a very happy Independence Day.

Very truly yours,

s/JOHN A. HAWKINSON/  
John A. Hawkinson

Cc: Cambridge City Council,  
Donna Lopez, City Clerk, for inclusion in the Council's Record

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<sup>2</sup>That policy is the subject of appeal number SPR 13/136 of July 15, 2012 before the Secretary of State's Supervisor of Public Records.



## CAMBRIDGE CITY COUNCIL

Craig A. Kelley  
City Councilor

Councillor Simmons:

I am sorry I cannot making the follow up meeting about lessons learned from the Monteiro case, but in my absence I hope you will consider the following:

1. I would like a better explanation about what can and cannot be disclosed from the settlement of the three cases. If we could get that information in writing before the meeting, it would be useful in understanding the possible limits of this discussion. While I am a lawyer, I have no experience in either employment law or in trial settlements and I am confused about why various pieces of information are thought not to be allowed to be discussed in public. While I appreciate the verbal explanations, it is much easier for me to understand, and work with others to understand, things that are in writing.
2. What managerial changes should we expect in place under the City's new leadership and how will those changes be formalized? There was talk about having Department Heads read the meeting notes, but I'm thinking more about training to make sure the administrative protections offered all employees under relevant law and contract provisions are understood and followed. I remember from when I had Marines under my charge, leading them on a mission and managing them from a personnel standpoint were two vastly different things, the latter task being much harder. I would think the same would be true for City department heads and other leaders who have amassed great subject matter expertise but have not, perhaps, had the same exposure to personnel matters.
3. What actions will be taken, if any, change the culture and environment that appeared to have been in place during the Monteiro, Stamper, Cheung time? This question is different from specific managerial actions as it reflects a concern that workplace culture and relevant expectations may have helped lead to the environment that, in turn, led to the situation that resulted in the Montiero and related cases.

Again, I am sorry not to attend the meeting but I look forward to continuing to participate in the overall discussion.

Please let me know if you have any questions or concerns.

Thanks.  
Craig