



CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

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April 23, 2012

To the Honorable, the City Council:

As I have informed the City Council previously, the disbursement of funds for the legal matters resulting from the 1998 Massachusetts Commission Against Discrimination claim was paid from the Statutory Budget Category of "Travel and Training" (Judgment and Damages), and, that the City's Free Cash balance of over \$102 million dollars would be the source of these funds. In order for that Statutory Budget Category to conclude Fiscal Year 2012 "in balance" it is necessary to appropriate the funds from Free Cash to Judgment and Damages.

Thus, I am hereby recommending the appropriation of \$11,917,462 from Free Cash to the General Fund Law Department Travel and Training (Judgment and Damages) account.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mec

# ATTACHMENT B

I cannot make Monday's meeting of the finance committee and would appreciate this letter being read and entered into the record.

Many thanks.

Craig

Dear Committee Members:

Because of Cooper's 'moving on' ceremony today at 9 AM, I cannot make this meeting. I continue to be amazed that the City can spend millions and millions and millions of dollars on what started as a discrimination complaint and wound up as a wrongful termination complaint and no one ever has to say he, or she, is sorry, no one has to explain what processes and procedures have been put in place to keep the sort of behavior that resulted in this judgement from happening again and no one has been censured.

I am not surprised that the Manager has not expressed regret for his actions as I think that he truly believes he did nothing wrong and that the case was decided incorrectly. I disagree, but at least I can follow his logic and if he feels he did nothing wrong I see no sense in expecting him to apologize for it. That the Council, as a body, feels no need to apologize to everybody involved, though, troubles me. At the end of the day, the Manager is an employee of the Council and we are responsible for his actions, both the ones with happy outcomes and the ones that are problematic.

I also still wonder how much the various aspects of these cases cost us. I would like to know how much:

1. We paid for outside legal counsel before our appeal of Ms. Montiero's judgement
2. We paid for such counsel on the appeal of Ms. Montiero's case
3. We paid for such counsel to handle the Wong and Stamper cases
4. How much in extra costs- opponents legal fees, interest and so forth- as a result of our appeal of the Montiero verdict.
5. How much, in total (not counting City staff time) these cases cost us
6. If there were similar cases that the City also settled in any department
7. If there are similar cases pending in any department

I propose the following Order:

Whereas: A combination of discrimination and wrongful termination complaints have resulted in many millions of dollars of costs and damages for the City of Cambridge; and

Whereas: The actions that led to these complaints, plus the filing of the complaints and subsequent law suits, caused much anguish for the City employees involved; and

Whereas: It is not clear that the City Manager has ever apologized to the City of Cambridge or anyone else involved for any role he may have played in creating this situation; and

Whereas: It is not clear what practices and policies the City has instituted to help ensure that similar situations do not arise in the future; now be it therefore

Ordered: That the Council extend its apologies to both the City employees who filed the complaints and to the taxpayers and residents of the City of Cambridge for both the angst created by its employee, the City Manager, and the cost to the City as a result of these cases; and be it further

Ordered: That the Council hereby lets the City Manager know of its disapproval of his judgement and actions regarding this situation; and be it further

Ordered: That the City Manager be, and hereby is, requested to report back to the City Council with an explanation of what processes and procedures have been instituted to help ensure that such a situation does not arise in the future.

Nancy E. Glowa  
Acting City Solicitor

Arthur J. Goldberg  
First Assistant  
City Solicitor



Assistant City Solicitors

Vali Buland  
Paul S. Kawai  
Elizabeth A. Lashway  
Samuel A. Aylesworth  
Amy L. Witts

## CITY OF CAMBRIDGE

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

TO: Robert W. Healy  
FROM: Nancy E. Glowa  
RE: Responses to Councilor Kelley's Questions Regarding Monteiro et al  
DATE: June 12, 2012

As requested, please see the following responses to Councilor Kelley's questions:

- 1) Q: How much we paid for outside legal counsel before our appeal of Ms. Monteiro's judgment.  
A: We paid a total of 2,144,786.13, which includes \$611,563.63 for discovery in all five cases originally brought, and \$1,533,222.50 for the two trials in the Monteiro matter.
- 2) Q: How much we paid for such counsel on the appeal of Ms. Monteiro's case:  
A: 488,409.53.
- 3) Q: How much we paid for such counsel to handle the Wong and Stamper cases.  
A: In addition to the \$611,563.63 for discovery in all five cases, including the Wong and Stamper cases, we paid \$45,903.01 for legal expenses in the Wong and Stamper cases, including mediation expenses.
- 4) Q: How much we paid in extra costs – opponent's legal fees, interest and so forth – as a result of our appeal of the Monteiro verdict.  
A: We paid \$913,673.90 for interest on the damages award after the entry of final judgment, and \$298,349.33 for attorneys' fees and costs.
- 5) Q: How much, in total (not counting City staff time) these cases cost us.  
A: \$14,596,558.
- 6) Q: If there were similar cases that the City also settled in any department.  
A: One similar case was settled in another department.
- 7) Q: If there are similar cases pending in any department.  
A: There are six similar cases pending in three departments.