



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** Julie La Blanc v. City of San  
Jose Settlement Agreement

**DATE:** October 2, 2009

## RECOMMENDATION

Approve settlement and authorize the City Attorney to execute a Settlement Agreement and Release with Julie La Blanc, providing for payment by City to Julie La Blanc and her attorneys in the amount of \$200,000, as considered by the City Council during Closed Session held on September 15, 2009.

## OUTCOME

To resolve a lawsuit brought by Julie La Blanc against the City of San Jose alleging hostile work environment, retaliation and failure to prevent retaliation.

## BACKGROUND

Plaintiff Julie La Blanc is a Fire Engineer with the San Jose Fire Department. On August 11, 2007 while she was on duty her nanny brought Plaintiff's two children to Fire Station 6, where Plaintiff worked, for a visit. While there her 9 year old son went upstairs to the men's bathroom. Unbeknownst to Ms. La Blanc, while in the bathroom her son found a pornographic magazine on the floor which he ultimately hid in his clothing and took home.

A couple of days later, while getting the 9 year old up for school, Plaintiff found the magazine under his pillow. Upon returning to work, Ms. La Blanc reported the incident to her captain who, in turn, reported it to the City's Office of Employee Relations. Ms. La Blanc also found more sexually explicit magazines in an unassigned locker in the men's locker room. This was also reported to OER.

The City has a policy against sexually explicit materials in the work place. OER commenced an investigation to determine who brought the magazine found in the bathroom to the station. A number of interviews occurred, but the results were inconclusive.

While the investigation was still pending, Ms. La Blanc experienced what she believed to be retaliation by other fire fighters consisting primarily of shunning, as well as a few

overt acts, including her claim that an individual fire fighter repeatedly refused to transmit important information to her at the change of shift. She also found another magazine on a nightstand which she believed was pornographic.

These incidents were also reported to OER and a second investigation occurred. Ultimately, Ms. La Blanc felt compelled to leave Station 6 for another station due to these circumstances.

### **ANALYSIS**

Ms. La Blanc sought damages claiming substantial emotional distress and disruption of her life.

In light of the risks and costs inherent in litigation, including exposure to substantial attorney's fees should Plaintiff prevail in this lawsuit, following mediation with retired Judge Alfred Chiantelli and then direct negotiations between the attorneys for the parties, the City Attorney's Office has negotiated a settlement for a payment of \$200,000 to Ms. La Blanc and her attorneys.

### **PUBLIC OUTREACH/INTEREST**

This memorandum and settlement agreement have been posted on the City's website for the October 20, 2009 agenda.

### **COORDINATION**

The Fire Chief and the City Manager have been advised of the proposed settlement.

### **BUDGET REFERENCE**

The settlement will be paid out of the City's General Liability Claims reserve fund, Appropriation 0018.

### **CEQA**

Not a project.

RICHARD DOYLE, City Attorney

By   
MICHAEL R. GROVES  
Sr. Deputy City Attorney

cc: Debra Figone, City Manager

For questions please contact RICHARD DOYLE, City Attorney, at (408) 535-1900