




RALPH M. TERRAZAS
FIRE CHIEF

November 16, 2021

BOARD OF FIRE COMMISSIONERS
FILE NO. 21-111

TO: Board of Fire Commissioners
FROM:  Ralph M. Terrazas, Fire Chief
SUBJECT: LITIGATION REPORT

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

SUMMARY

During the August 17, 2021 Board of Fire Commissioners meeting, Commissioner Ibarra requested a report on pending litigation alleging Equal Employment Opportunity (EEO) violations. A follow-up request was made by Commissioner Ibarra during the October 19, 2021 Board of Fire Commissioners meeting to provide a report breaking down Fair Standard Labor Act (FLSA) claims and EEO claims against the Department.

RECOMMENDATION

That the Board:
Receive and file.

FISCAL IMPACT

No fiscal impact.

DISCUSSION

This report summarizes data from 2003 to present (November 16, 2021) on FLSA and EEO litigation against the Los Angeles Fire Department (LAFD). Records used to compile this report were provided by the Office of the City Attorney (CA) and Council files. Due to record-keeping limitations, the CA was not able to provide complete records prior to 2003.

FLSA Cases

The FLSA cases occurred between Fiscal Year 2005 through Fiscal Year 2020. There were 12 cases involving hundreds of plaintiffs that amounted to payouts in the total sum of \$15,844,286. Attachment A shows the amounts paid for each case.

EEO Cases

The EEO cases included in this report represent litigation initiated by sworn members between 2003 and 2021. Attachment B shows the EEO cases from 2003 to 2013 and Attachment C shows the EEO cases from 2014 to present during the tenure of the current Fire Chief. The attachments include the title of the case, gender and race of the plaintiff(s), the cause(s) of action, case status, and the payout amount (if applicable).

2003 – 2013:

- There were 35 cases made up of 37 plaintiffs. Seven of those plaintiffs were female.
- Total payout to female plaintiffs came to \$2,091,667.
- The amounts paid for all cases in this period total \$20,654,626.

2014 – Present:

- There are a total of 17 cases. Six are closed and 11 are pending in various stages of litigation.
- These 17 cases are made up of 28 plaintiffs, of which two are female.
- One case with a female plaintiff settled for \$9,500. The other case remains open.
- Payouts for closed cases in this period total \$1,909,500.

During the August 17, 2021 Board of Fire Commissioners meeting, a reference was made to a report from California State University, Los Angeles (CSULA). That report was issued in December 2018 and concluded that “although [females] accounted for only 3% of firefighters, females accounted for 56% of all multimillion-dollar lawsuits.” Unfortunately, the report does not cite its source for its information, and based on records obtained from the CA and Council files, that statement is false. From 2003 to present, there were seven multimillion dollar lawsuits, none of which included female plaintiffs.

The same CSULA report stated that “from 2006 to 2018, lawsuits for discrimination and sexual harassment [against the LAFD] had cost tax payers nearly \$30 million.” This statement has been propagated by recent media stories. However, as this report demonstrates, the correct figure is significantly less than the one erroneously cited.

In terms of how the Department budgets for litigation, damages that are allocated to wages comes from the LAFD budget. All other damages are paid from the City’s General Fund. The LAFD does not budget for litigation payouts.

The report was compiled with assistance from the City Attorney’s Office.

CONCLUSION

On matters of litigation, the Department works closely with the City Attorney’s Office. The Department works to mitigate future litigation through various policies and trainings.

Board report prepared by Drew Steinberg, Acting Risk Manager, Administration Bureau.

Attachments

ATTACHMENTS

Attachment A: Fair Labor Standards Act (FLSA) Payouts - Sworn FY2005 Thru FY2022		
Title	Case Type	Amount Paid
Cleveland, Cedrick	FLSA - Sworn	\$3,028,488
Haro, Tina	FLSA - Sworn	\$3,875,000
Tomassi, Jarrod	FLSA - Sworn	\$220,000
Ramsey, William	FLSA - Sworn	\$105,000
Ackley, Daniel	FLSA - Sworn	\$2,780,323.13
Haro, Tina	FLSA - Sworn	\$2,144,697.79
Albarran Jr., Domingo v. City	FLSA - Sworn	\$333,601.26
Anderson, Clifford R. v. City	FLSA - Sworn	\$896,208.12
Burwell, David v. City	FLSA - Sworn	\$274,376.82
Carson, James	FLSA - Sworn	\$312,126.97
Abe, Keston v. City	FLSA - Sworn	\$1,800,000
Anderson, Clifford R. v. City	FLSA - Sworn	\$74,464.38
		\$15,844,286

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Attachment B: Equal Employment Opportunity (EEO) Litigation - Sworn (2003-2013)				
2003 to 2013				
Title	Plaintiff Gender and Race	Cause of Action	Case Status	Amount Paid
Almeida, Anthony v. City	M/Hispanic	Retaliation	Closed	\$ 494,150
Avila, Rick v. City	M/Hispanic	Medical Discrimination	Closed	\$ 48,500
Bernal, Ruthie v. City	F/Black	Gender Discrimination	Closed	\$ 320,000
Bond, Heather v. City	F/Caucasian	Gender Discrimination	Closed	\$ 100,000
Bressler, Lewis v. City	M/Caucasian	Race Discrimination	Closed	\$ 3,335,737
Bressler, Lee, Mellinger	2 M/Caucasian 1 F/Black	Race Discrimination	Closed	\$ 350,000
Brooks, Brian v. City	M/Caucasian	Race Discrimination	Closed	\$ 45,000.00
Burton & Tohill CF v. City	2 M/Caucasian	Race Discrimination	Closed	\$ 2,530,000
Cappon, John v. City	M/Caucasian	Retaliation	Closed	\$ 700,000
Cuevas, Ricardo v. City	M/Hispanic	Medical Discrimination	Closed	\$ 1,970,000
Cuevas, Ricardo v. City	M/Hispanic	Medical Discrimination	Closed	\$ 25,000
Gaffney, James v. City	M/Caucasian	Race Discrimination	Closed	\$ 18,500
Gales, Devin v. City	M/Black	Medical Discrimination	Closed	\$ 150,000
Hernandez, John v City	M/Hispanic	Sexual Harassment	Closed	\$ 220,000
Hix, Harold Todd v. City	M/Asian	Employment - Not Otherwise Classified	Closed	\$ 67,000
Katz, Mark v. City	M/Caucasian	Medical Discrimination	Closed	\$ 242,500
Lee, Brenda v. City	F/Black	Sexual Orientation Discrimination	Closed	\$ 780,000
Lee, Donna v. City	F/Caucasian	Gender Discrimination	Closed	\$ 50,000
Lima, Frank v. City	M/Hispanic	Gender Discrimination	Closed	\$ 4,846,774
Martinez, Brian v. City	M/Black or M/Hispanic	Race Discrimination	Closed	\$ 95,000
Mathis, Alicia & Davies, D'Lisa Trust v. City	1 F/Caucasian 1 F/Black	Gender Discrimination	Closed	\$ 375,000
Mattox, Elena v. City	F/Hispanic	Gender Discrimination	Closed	\$ 350,000
Miller, John & Rueda, Michael v. City	1 M/Caucasian 1 M/Hispanic	Retaliation	Closed	\$ 1,287,352
Miller, Michael v. City	M/Black	Medical Discrimination	Closed	\$ 302,000
Miller, Ryan v. City	M/Caucasian	Medical Discrimination	Closed	\$ 33,000
Moore, N. David v. City	M/Black	Retaliation	Closed	\$ 100,000
Oh, James v. City	M/Asian	Race Discrimination Hostile Work Environment Retaliation	Closed	\$19,000
Patrick, Killian v. City	M/Caucasian	Medical Discrimination	Closed	\$ 10,000
Pierce, Tennie v. City	M/Black	Race Discrimination	Closed	\$ 1,430,000
Smith, James v. City	M/Caucasian	Employment - Not Otherwise Classified	Closed	\$ 285,000
Sullivan, John v. City	M/Hispanic	Retaliation	Closed	\$50,000
Thomas, Jerry v. City	M/Black	Race Discrimination	Closed	\$ 22,500
UFLAC v. City		Employment - Not Otherwise Classified	Closed	\$ 435
Wilkerson, Leslie v. City	M/Black	Race Discrimination	Closed	\$ 2,178
				\$ 20,654,625.71

Attachment C: Equal Employment Opportunity (EEO) Litigation - Sworn (2014-present)

2014 - present				
Title	Plaintiff Gender and Race	Cause of Action	Case Status	Amount Paid
Bender, David v. City	M/Caucasian	Retaliation	Closed	
Gilbert, Cathleen v. City	F/Black	Medical Discrimination Retaliation	Closed	\$9,500
Green, Johnny v. City	M/Black	Race Discrimination Harassment Retaliation	Closed	
Meiche, Stephen v. City	M/Hispanic	Discrimination Harassment Retaliation	Closed	\$1,100,000
Meiche, Stephen v. City	M/Hispanic	Retaliation	Closed	
Vidovich, John N. v. City	M/Caucasian	Retaliation	Closed	\$800,000
Boyd, Jerome et al v. City	5 M/Black 1 M/Hispanic 1 F/Filipino	Race Discrimination Harassment Retaliation	Open	
Brown, Emanuel v. City	M/Black	Race Discrimination Harassment Retaliation	Open	
Camarillo, Joseph v. City	M/Hispanic	Medical Discrimination Retaliation	Open	
Cerda, Louis v. City	M/Hispanic	Race Discrimination Defamation	Open	
Eble, Daniel v. City	M/Caucasian	Medical Discrimination	Open	
Hogan, Damon v. City	M/Black	Race Discrimination Harassment Retaliation	Open	
Kobe, Nicholas v. City	M/Caucasian	Discrimination Retaliation	Open	
Romero, George v. City	M/Hispanic	Retaliation Medical Discrimination	Open	
Sepulveda, Eric v. City	M/Hispanic	Medical Discrimination Retaliation Harassment	Open	
Sharlen, James v. City	M/Caucasian	Harassment Discrimination Retaliation	Open	
Wilkerson, Leslie et al v. City	6 M/Black	Race Discrimination Hostile Work Environment Retaliation	Open	

\$ 1,909,500