

File No. 180821

Committee Item No. 11

Board Item No. 4

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: Sept. 19, 2018

Board of Supervisors Meeting:

Date: October 2, 2018

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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Prepared by: John Carroll

Date: Sept. 14, 2018

Prepared by: John Carroll

Date: Sept. 26, 2018

1 [Settlement of Lawsuit - Juanita Stockwell, et al. - \$400,000]

2
3 **Ordinance authorizing settlement of the lawsuit filed by Guillermo Amigo, E.R.**
4 **Balinton, Mike Bolte, Nikolaus Borthne, Edward Browne, Peter Busalacchi, Gary Castel,**
5 **Philip Fleck, Severo Flores, George S. Fogarty, Malcolm Fong, Mary Godfrey, Jason**
6 **Hui, Terrye Ivy, Jacklyn Jehl, Bartholomew Johnson, James Jones, Richard Jue, Robert**
7 **Leung, Michael Lewis, Paul Lozada, D.H. Bud Massey, Bruce Meadors, Vince Neeson,**
8 **Thomas O'Connor, Susan Rolovich, Juanita Stockwell, Jessie A. Washington, and**
9 **Michael Wells against the City and County of San Francisco for \$400,000; the lawsuit**
10 **was filed on December 17, 2015, in San Francisco Superior Court, Case No. CGC 15-**
11 **549482; entitled Juanita Stockwell, et al. v. City and County of San Francisco; the**
12 **lawsuit involves an employment dispute.**

13
14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
16 authorizes the City Attorney to settle the action entitled Juanita Stockwell, et al. v. City and
17 County of San Francisco, San Francisco Superior Court, Case No. CGC-15-549482 by the
18 payment of \$400,000. The lawsuit involves an employment dispute.

19 Section 2. The above-named action was filed in San Francisco Superior Court on
20 December 17, 2015, and the following parties were named in the lawsuit: Plaintiffs Guillermo
21 Amigo, E.R. Balinton, Mike Bolte, Nikolaus Borthne, Edward Browne, Peter Busalacchi, Gary
22 Castel, Philip Fleck, Severo Flores, George S. Fogarty, Malcolm Fong, Mary Godfrey, Jason
23 Hui, Terrye Ivy, Jacklyn Jehl, Bartholomew Johnson, James Jones, Richard Jue, Robert
24 Leung, Michael Lewis, Paul Lozada, D.H. Bud Massey, Bruce Meadors, Vince Neeson,
25

1 Thomas O'Connor, Susan Rolovich, Juanita Stockwell, Jessie A. Washington, and Michael
2 Wells; Defendant City and County of San Francisco.

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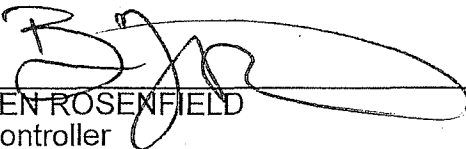
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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

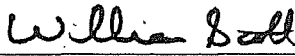

KATHARINE HOBIN PORTER
Chief Labor Attorney

FUNDS AVAILABLE:



BEN ROSENFELD
Controller

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT


WILLIAM SCOTT
Chief of the San Francisco Police Department

APPROVED:


RACHAEL KILSHAW
Secretary, San Francisco Police Commission

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#180821

From: Juanita Stockwell cranhead@comcast.net
Subject: BOS MEETING 9/25/2018
Date: Sep 24, 2018 at 7:33:32 PM
To: john.carroll@sfgov.org
Cc: board.of.supervisors@sfgov.org

SUPERVISORS,

REGARDING ITEM 180821, (SETTLEMENT OF LAWSUIT,
JUANITA STOCKWELL, et al. - \$400,000):

I WOULD LIKE TO ADVISE ALL OF THE MEMBERS OF THE BOARD OF SUPERVISORS THAT ATTORNEY JONATHAN ROLNICK, REPRESENTING THE CCSF IN THE STOCKWELL CASE, NEVER OBTAINED FROM OPPOSING COUNSEL AND HE DOES NOT HAVE A SIGNED SETTLEMENT AGREEMENT FROM ANY OF THE 29 PLAINTIFFS IN THIS CASE BECAUSE, TO DATE, 28 OF THE PLAINTIFFS HAVE NEVER EVEN SEEN A COPY OF THE SETTLEMENT AGREEMENT CONTRACT. THE SETTLEMENT AGREEMENT CONTRACT WAS NEVER EXECUTED. PLAINTIFFS CANNOT SIGN A DOCUMENT THEY HAVE NEVER SEEN AND WERE NEVER SENT.

ON 4/13/2018, PLAINTIFFS ATTORNEYS, RICHARD HOYER AND RYAN HICKS, MADE CONTACT WITH MR. ROLNICK AND OFFERED TO SETTLE THIS CASE WITHOUT THE INFORMED WRITTEN CONSENT OF

SETTLEMENT CONFERENCE WHEN IN FACT THE SETTLEMENT CONFERENCE WAS "VOLUNTARY" AND THIS FACT IS REFLECTED ON THE COURT WEBSITE.

ALSO, THIS IS AN AGE DISCRIMINATION CASE AND PLAINTIFFS' ADEA RIGHTS HAVE BEEN VIOLATED BY BOTH THEIR FORMER ATTORNEYS AND THE CITY ATTORNEY, MR. ROLNICK.

U.S.C.29, SECTION 626 (f) Waiver, (1), states that an individual may not waive any right or claim under this chapter unless the waiver is knowing and voluntary. A waiver may not be considered knowing and voluntary unless at a minimum—

(F)(i) the individual is given a period of at least 21 days within which to consider the agreement; or

(G) the agreement provides that for a period of at least 7 days following the execution of such agreement, the individual may REVOKE THE AGREEMENT, AND THE AGREEMENT SHALL NOT BECOME EFFECTIVE OR ENFORCEABLE UNTIL THE REVOCATION PERIOD HAS EXPIRED. MR. ROLNICK STATED IN A COURT MOTION THAT HE SENT THE SETTLEMENT AGREEMENT

CONTRACT TO PLAINTIFFS ATTORNEYS ON 5/11/2018,
AND AGAIN ON 5/23/2018, BUT HE GOT NO RESPONSE.
CERTAINLY, IT WOULD HAVE BEEN IN THE BEST
INTEREST OF THE CCSF FOR MR. ROLNICK TO FOLLOW
UP WITH PLAINTIFFS ATTORNEYS TO DETERMINE WHY
THEY HAD NOT SENT THE SIGNED AGREEMENT.

THE REASON IS THAT PLAINTIFFS HAD NEVER SEEN THE
SETTLEMENT AGREEMENT CONTRACT.

TO DATE, THE PLAINTIFFS 21 DAY PERIOD TO REVIEW
THE CONTRACT HASN'T YET STARTED BECAUSE 28 OF
THE PLAINTIFFS HAVE NEVER EVEN SEEN THE
SETTLEMENT AGREEMENT CONTRACT. I FINALLY
BECAME AWARE THAT THE SETTLEMENT AGREEMENT
CONTRACT EXISTED ON 6/27/2018.

The unethical coerced settlement conference was on Friday,
5/4/2018 but I became aware of our ADEA RIGHTS UNDER
29 U.S.C. a few days later and on Friday, 5/11/2018,
(7calendar days/ 5 weekdays), I, ALONG WITH 14 OTHER
PLAINTIFFS, EMAILED OUR ATTORNEYS AND TOLD THEM
TO VACATE THE SETTLEMENT AGREEMENT. And although

I never actually saw the settlement agreement contract until 6/27/2018, (when I realized one existed and requested a copy), it clearly states in the 7 page document, listed as number 16, the ADEA PROVISION AS DESCRIBED ABOVE.

MR. ROLNICK'S PARTICIPATION IN THIS UNETHICAL CONDUCT IS TROUBLING.

ON AUGUST 15, 2018, THE STOCKWELL CASE WAS ON THE POLICE COMMISSION AGENDA. I ATTENDED THAT MEETING AND SPOKE DURING PUBLIC COMMENT. I TOLD THE MEMBERS OF THE POLICE COMMISSION THAT THE CCSF DID NOT HAVE A SIGNED SETTLEMENT AGREEMENT CONTRACT FROM THE 29 PLAINTIFFS IN THIS CASE AND THAT THE SETTLEMENT AGREEMENT CONTRACT WAS NEVER EXECUTED. I TOLD THE COMMISSION THAT OUR ATTORNEYS WERE WITHDRAWING FROM OUR CASE AND THAT WE WOULD BE HIRING NEW LEGAL REPRESENTATION TO PROCEED WITH THIS CASE.

MR. ROLNICK WAS IN THE AUDIENCE WHEN I ADDRESSED THE POLICE COMMISSIONERS AND HE

WENT INTO CLOSED SESSION WITH THEM. HE HAS KNOWN FOR SOME TIME THAT A SIGNED SETTLEMENT AGREEMENT CONTRACT DOES NOT EXIST, YET HE IS STILL TRYING TO FORCE THIS SETTLEMENT.

AFTER OUR FORMER ATTORNEYS WITHDREW FROM THE CASE, AUGUST 17, 2018, I SENT MR. ROLNICK AN EMAIL THAT SAME DAY, (3:12 pm) ASKING HIM TO SEND ME A COPY OF HIS SIGNED SETTLEMENT AGREEMENT CONTRACT FROM THE 29 PLAINTIFFS. MR. ROLNICK REPLIED THAT SAME DAY (4:41 pm) STATING THIS: "THERE IS NO SIGNED SETTLEMENT AGREEMENT AS DESCRIBED BELOW."

MANY OF THE PLAINTIFFS HAVE FOUND NEW REPRESENTATION TO TAKE THIS CASE. WE HAVE A COURT DATE ON 10/4/2018 IN SUPERIOR COURT.

I have no idea why Mr. Rolnick continues to try to force this settlement but his motives are suspect. In his efforts to force this settlement he has, along with our former attorneys, violated the ADEA rights of the 29 plaintiffs and I HAVE DOCUMENTATION TO PROVE EVERY STATEMENT I

HAVE MADE IN THIS EMAIL.

PERHAPS THE BOARD OF SUPERVISORS MIGHT ASK MR. ROLNICK TO PRODUCE A SIGNED SETTLEMENT AGREEMENT CONTRACT FROM THE 29 PLAINTIFFS IN THE STOCKWELL CASE FOR THEIR REVIEW.

THANK YOU,

Juanita Stockwell

Sent from my iPad

COMMUNICATION IS STRICTLY PROHIBITED

-----Original Message-----

From: Juanita Stockwell <cranhead@comcast.net>

Sent: Friday, August 17, 2018 3:12 PM

To: Rolnick, Jonathan (CAT)

<Jonathan.Rolnick@sfcityatty.org>

Subject: Stockwell case signed, dated settlement agreement contract

Mr. Rolnick,

Please email me a copy of the settlement agreement contract in your possession signed and dated by the 29 plaintiffs in the Stockwell case, CGC No-15-549482, that you intend to present to the Board of Supervisors.

Since I'm representing myself pro se I believe I'm entitled to review this document.

Thank you,

Juanita Stockwell

Cranhead@comcast.net

Sent from my iPad

From: Rolnick, Jonathan (CAT)
Jonathan.Rolnick@sfcityattly.org
Subject: RE: Stockwell case signed, dated settlement
agreement contract
Date: Aug 17, 2018 at 4:41:07 PM
To: Juanita Stockwell cranhead@comcast.net

Ms. Stockwell

There is no signed settlement agreement as described below.

The Board of Supervisor's next scheduled meeting is September 4.

I will be out of the office next week from August 20-22.

Jonathan Rolnick
Deputy City Attorney
Office of the City Attorney
1390 Market Street, Fifth Floor
San Francisco, CA 94102
voice: (415) 554-3815
fax: (415) 554-4248
email: jonathan.rolnick@sfcityattly.org

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS
ATTORNEY PRIVILEGED AND/OR CONFIDENTIAL

Date 8/24/18 File Number (if applicable) 180821

- Legislation for Introduction (NEW) ▶▶▶ Legislative Clerk
- Legislation Pending in Committee (AMENDED) ▶▶▶ Committee Clerk
- Legislation for Board Agenda (AMENDED) ▶▶▶ Deputy Clerk

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 BOARD OF SUPERVISORS
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Supervisor, Mayor, and Departmental Submittals

Grant Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate pdf copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (if applicable) in **Word** format
 - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate pdf copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Grant Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate pdf copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (if applicable) in **Word** format
 - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate pdf copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents as identified in the cover letter and legislation
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Joy Perez 554-3809 City Attorney
 Name and Telephone Number Department