

City settles Filner suit for \$667K



By **David Garrick** · Contact Reporter

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San Diego agreed to pay \$667,000 on Tuesday to settle one of three unresolved sexual battery and harassment lawsuits against former Mayor Bob Filner.

The payment ends a sexual harassment suit filed by Benelia Santos-Hunter, who worked as the mayor's executive assistant before accusations of inappropriate behavior from more than a dozen women prompted Filner to resign in 2013.

It's the largest settlement the city has paid in litigation involving Filner. City Attorney Jan Goldsmith predicted on Tuesday that the city's total Filner-related payouts would be in the range of \$1 million to \$1.1 million when two remaining cases conclude.

Goldsmith said during a news conference Tuesday afternoon that his office chose to settle the case, which had been scheduled to go to trial the day before, because he was worried the city might have had to pay significantly more money to Santos-Hunter.

The lawsuit described more than two dozen incidents starting soon after Santos-Hunter joined the mayor's staff in January 2013. They included Filner allegedly grabbing her buttocks, asking to hug and kiss her and trying to touch her breasts.



Attorney Josh Gruenberg attorney for Benelia Santos-Hunter, former executive assistant to Mayor Bob Filner during a press conference regarding the city of San Diego agreeing to pay Santos-Hunter \$667,000 to settle her sexual harassment suit against former Mayor Bob Filner.

Her suit also claims Filner said to her, "Let's go in the back and make love right now," and, on a subsequent occasion, locked her in his office kitchen and asked her to make love to him.

Goldsmith said the case was strong and that Santos-Hunter was harassed by the former mayor over an unusually long period of several months. Some of the other victims, including the two with unresolved cases, allege one-time inappropriate activity by Filner.

“There was compelling evidence she was a victim of sexual harassment,” Goldsmith said. “This was a very dark and sad period of San Diego’s history. It was something the city of San Diego is not proud of.”

The news comes shortly after Filner publicly denied he ever sexually harassed women in an interview last month with the Voice of San Diego, calling some of the accusations “fantasies.”

Some of Filner’s other alleged victims took exception to those denials, but Santos-Hunter said at Tuesday’s news conference she had no message for the former mayor.

With tears in her eyes, she thanked her family and friends for all of their support and said she doesn’t regret coming forward.

“It was very difficult to speak up, but it was the right thing to do,” she said. “If you know you’re right, don’t be afraid to speak up.”

She also called the settlement “a very positive resolution” and said it was a relief that the settlement means she won’t have to testify and endure a lengthy trial. “It’s a class I didn’t sign up for,” she said.

When asked why she didn’t report the mayor’s misconduct sooner, Santos-Hunter said she couldn’t afford to lose her job.

The city initially responded to the suit by contending that city officials didn’t know Santos-Hunter had been subject to the alleged harassment and took immediate action after learning about it.

On Tuesday, Goldsmith said some members of city upper management knew of the harassment but “slough-ed it off” and did nothing.

“One of the lessons of the Filner years should be that there are no innocent bystanders when it comes to sexual harassment,” he said. “They should have reported it and taken steps to stop it.”

Goldsmith also said Santos-Hunter was in a unique situation at City Hall, because her office was connected to Filner’s office by a private door.

Goldsmith also noted that the City Council’s Charter Review committee is scheduled to discuss today how San Diego can update its rules on removing elected officials from office. City officials struggled to remove Filner amid the sexual harassment scandal in 2013.

The \$667,000 payment, which the City Council unanimously approved in closed session on Tuesday morning, leaves the city with two remaining Filner harassment plaintiffs — Stacie McKenzie, a city parks employee, and Marilyn McGaughy, a local advocate against domestic violence.

In December, a state appellate court ruled that a woman who claims Filner groped her in 2013 can't pursue a sexual battery lawsuit against the city because she missed a key filing date.

In the litigation, Jeri Dines said Filner rubbed and grabbed her buttocks while posing for a photo with her at a Fiesta Island Dog Owners event in May 2013.

Filner pleaded guilty to misdemeanor battery in the case. For that crime and two others to which he pleaded guilty, Filner was sentenced to three months of house arrest and three years of probation, which he is serving in Los Angeles.

In October, the city agreed to pay \$99,000 to settle another Filner lawsuit filed by wounded Marine veteran Katherine Ragazzino and her nurse, Michelle Tyler.

The city settled two other lawsuits against Filner in February 2014 for a total of \$348,000. They had been filed by Irene McCormack Jackson, who had served as the mayor's communications director, and Peggy Shannon, who operated an information kiosk at City Hall.

Jackson got \$250,000, and the city reimbursed Filner for \$98,000 in attorney's fees. Shannon, who has died since her settlement, got a public apology from the city, and the council declared Feb. 24, 2014, "Peggy Shannon" day.

No additional suits can be filed because the statute of limitations has expired, Goldsmith said. Even though the settlements so far total \$1.016 million, Goldsmith said the maximum payout was not expected to exceed \$1.1 million.

After Tuesday's news conference, Goldsmith said he's confident he effectively protected city taxpayers.

"If you had told me in the summer of 2013, based on what our investigators were finding out, that we would resolve all these claims for a little over a million dollars, I would have been very surprised and very happy," he said.

Santos-Hunter's attorney, Josh Gruenberg, said on Tuesday that both sides fought hard.

"The city did not pay this money without a battle," he said.

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