

Harassment lawsuit includes new Filner allegation



By **David Garrick** · Contact Reporter

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A lawsuit filed Friday by a San Diego deputy city attorney claims a supervisor has been sexually harassing her for three years, including telling her to keep quiet about getting harassed previously by former Mayor Bob Filner.

In the suit, Molly Hoot claims Assistant City Attorney Daniel Bamberg repeatedly sent her inappropriate text messages, verbally requested sex and touched Hoot against her will multiple times.

The suit also names the city as a defendant and says city officials missed several chances to resolve the situation despite Hoot reaching out to them in writing and in person.

She also reported to superiors, despite Bamberg's objections, that Filner put her in one of his infamous headlocks in July 2013 and asked her out for drinks, the suit says.

But that information was never made public or given to attorneys for the plaintiffs in several lawsuits against Filner over his alleged harassment, which ultimately led to his resignation in August 2013.

Bamberg didn't respond to requests for comment by phone or email on Monday.

A spokesman for City Attorney Jan Goldsmith said Bamberg was immediately placed on administrative leave pending an investigation.

"Upper management learned of the claims for the first time a week before the complaint was filed and took immediate action as required by law," said the spokesman, Gerry Braun. "At management's request, an investigative panel drawn from outside the office was convened to determine the facts."

Braun said Bamberg was replaced as head of the civil litigation division by Chief Deputy City Attorney David Karlin.

"These steps are required by law and do not reflect any prejudgment as to the facts."

Hoot remains on the job, Braun said.

Bamberg, 70, and Hoot, 49, worked together on two high-profile federal cases affecting how San Diego handles homelessness. The cases have prevented the city from citing homeless people for sleeping on the streets or blocking sidewalks with their belongings.

Hoot's sexual harassment lawsuit says she tried continually to persuade Bamberg, who she previously viewed as a father figure and mentor, to voluntarily stop harassing her.

But, the suit says, she recently realized her rejection of his advances had fostered a contempt for her that wouldn't go away.

Hoot's attorney said it was not her first choice to sue her employer.

"She tried to handle him as graciously as she could," said the attorney, [Josh Gruenberg](#).

That included a long email to Bamberg in January begging him to take her off the homeless cases so they would have less contact, to stop asking to come over to her house and to stop acting rejected when she didn't immediately respond to calls or texts.

"I just want you to let me come to work and feel safe in my environment," she wrote. "I can no longer manage the situation you have created. Please stop."

While she informed other city officials about the harassment, she told them she wanted to try to handle the situation herself before they took any action.

The two officials she contacted were Chief Deputy City Attorney Clay Welch in late 2015 and Harold Barclay, the city's equal employment investigations manager, in January 2016.

Braun, the spokesman for Goldsmith, said neither man ever notified anyone in the upper management of the city's attorney's office.

Welch retired earlier this year and Barclay declined to comment on Monday.

Gruenberg said Welch and Barclay should have stepped in and reprimanded Bamberg or at least forced him to get counseling, contending they should have disregarded Hoot's request to handle things herself.

"Victims primarily say that because they are worried about ramifications in the workplace," said Gruenberg. "If not retaliation, they are worried about upsetting their boss. That's why it really is incumbent on human resources, when they're on notice of these things, to investigate."

The suit says Hoot began to worry Bamberg wanted more than friendship in summer 2013 during the Filner scandal.

The suit says Bamberg sided with Filner despite witnessing the then-mayor put Hoot in a headlock, and then defended Filner over other alleged incidents being reported in the media at that time.

Hoot "felt betrayed by Bamberg's myopic and sexist defense of another man in power," the suit says.

Hoot never seriously considering filing a suit over the Filner incident, partly because his harassment of her was isolated to one brief incident, Gruenberg said.

Gruenberg previously represented Benelia Santos-Hunter, who was awarded the largest settlement by far — \$667,000 — of any of Filner's accusers.

Goldsmith, the city attorney, said when announcing the settlement in March that Santos-Hunter received so much because Filner had harassed her over a period of several months.

Bamberg started his legal career as a city prosecutor from 1974 to 1977, before leaving for a long career in civil litigation. He returned to the city attorney's office in 2005 and was promoted to Assistant City Attorney in 2014.

Hoot was hired by the city attorney's office in 2008.

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