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Medina Orthwein LLP & Cannata O'Toole Fickes & Olson LLP File Race Discrimination Class Action on Behalf of Black San Francisco City Employees File Race Discrimination Class Action Amid City Leadership Failures and Corruption

The Lawsuit calls for the City to Address Ongoing and Historical Systemic Racism that Hurts the Economic and Emotional Wellbeing of Black Employees and their Families

SAN FRANCISCO, DECEMBER 9, 2020 —Black employees of the City and County of San Francisco sued the City in a class action lawsuit which provides a shocking account of the City's failure to provide Black employees with equal employment opportunities as required by state law and San Francisco's more robust law.

The plaintiffs have been paid less than non-Black colleagues, denied promotions due to their race, subjected to racist comments, harassment, and treatment, and ignored by management, departmental Human Resources teams, and the City's centralized Department of Human Resources. They have been called monkeys, subjected to racist stereotypes such as being perceived as an "angry Black woman", and offensively addressed in Black Vernacular English by white supervisors. The three plaintiffs who brought forward this lawsuit are all current City employees in the Municipal Transportation Agency, the Department of Public Health, and the Public Utilities Commission, respectively. All three of these departments have been in the news for racism and corruption this year.

Felicia Medina, a class action attorney who specializes in race discrimination, said, "The City and County of San Francisco does not get a cookie for disclosing what too many Black City workers know all too well: that San Francisco is not the promised land for Black employees. The City is the furthest thing away from being a meritocracy despite the progressive bubble San Franciscans pretend to live in."

Data produced by the City verifies that the City pays white employees more than any other racial or ethnic group and \$32,000 more per year per employee than Black employees. White employees are also nearly twice as likely, compared to Black employees, to be appointed to roles that are paid \$45,000 more per year and are promoted at double the rate of Black employees. Additionally, Black employees are by far the most disciplined racial and ethnic group in the City's workforce: over 37% of the entire City's disciplinary actions were brought against Black employees. The next most disciplined group is white employees, who were subjected to 19% of the City's discipline, or approximately half of what Black employees were subjected to.

The City's dysfunctional and corrupt leadership and Human Resources teams have created the conditions that allow the City's historical and pervasive racism to thrive. City officials themselves have confirmed that discrimination complaints by employees were purposefully edited by the City's Department of Human Resources to downplay the gravity of the accusations, then often disregarded entirely. Rather than address the sources of racism in the City's workforce, the City has prioritized its image by employing an army of high-paid public relations people, and implementing window-dressing working groups, committees, reports, and hearings. In essence, all talk, no action.

"The class action vehicle is necessary here to force the City and its leadership to stop hiding behind more corporate diversity doublespeak and enact the change those from the impacted group want to see," said Kevin Love Hubbard, Partner at Medina Orthwein LLP.

Jennifer Orthwein, a clinical psychologist and Partner at Medina Orthwein LLP, explains, "The insidious and pervasive day-to-day systemic workplace oppression and anti-Blackness by the City and County of San Francisco,

one of the largest employers in San Francisco, causes physiological, cognitive, and emotional harm that not only negatively impacts Black people's quality of life but can literally shorten it."

The next step in the action is for the City to answer the complaint or try to knock it out of court. Then discovery will ensue. "In discovery, the City will have to hand over the data it does not want on its website," said Karl Olson, Partner at Cannata O'Toole Fickes & Olson LLP. "As a longtime workers' rights lawyer and a native San Franciscan, I am looking forward to working with our clients to holding the City accountable and obtaining justice for its Black employees."

For more information about the lawsuit, refer to Case No. CGC-20-588012 on the San Francisco Superior Court's website.

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About Medina Orthwein LLP:

Medina Orthwein LLP is a queer-owned plaintiff-side employment and civil rights law firm located in Oakland, California. The firm ensures that the voices and rights of those most impacted by inequity are heard and can fight power with power. Using an intersectional approach to practice, Medina Orthwein effectively leverages its extensive trial, litigation, and negotiations expertise to enforce and expand protections for people most impacted by systemic discrimination. The firm specializes in individual and class action employment and civil rights disputes and has vindicated the rights of thousands of clients with employment discrimination, whistleblower, sexual harassment, and wage and hour cases in a variety of industries, including technology, biotech, pharmaceutical, health care, government and government contractors, the legal field, and the arts. Among its successes, Medina Orthwein, a new law firm, has settled two gender cases against tech companies, Western Digital and Qualcomm, on a pre-suit basis. The firm has also successfully litigated and settled a pregnancy accommodation class action lawsuit against AC Transit on behalf of four Black women and a class of pregnant and lactating employees, settled a race discrimination lawsuit against the American Conservatory Theater, and has secured numerous pre-suit class action settlements on behalf of workers who have been discriminated against.

For more information, visit www.medinaorthwein.com.

About Cannata O'Toole Fickes & Olson LLP:

Cannata, O'Toole, Fickes & Olson is a San Francisco litigation boutique whose lead partner, Therese Cannata, has done over 100 trials. The firm has done high-profile litigation in the trial and appellate courts, and recently obtained a multi-million dollar jury verdict for a whistleblower against the San Francisco City Attorney. The firm has substantial employment law and class action experience. Partner Karl Olson has successfully argued two cases in the California Supreme Court and is also known as a prominent media law and First Amendment attorney.

For more information, visit www.cofolaw.com.