

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations in order to effect settlement in the case entitled Malcolm Thomas v. City of Los Angeles, et al., Lead Los Angeles Superior Court (LASC) Case No. BC416182 (Thomas I), LASC Case No. BC481137 (Thomas II), LASC Case No. 20STCV44823 (Thomas III), 2nd Appellate District Case No. B305051. (This matter arises from claims under the Fair Employment & Housing Act for harassment, discrimination, retaliation, failure to accommodate, failure to engage in the interactive process, and the failure to prevent discrimination and retaliation, and whistleblower retaliation under Labor Code section 1102.5.), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. AUTHORIZE the City Attorney's Office and the Los Angeles Police Department (LAPD) to expend up to **\$8,000,000** in settlement of the above-entitled matter.
2. AUTHORIZE the Controller's Office to transfer **\$7,885,000** from the Liability Claims Fund No. 100/59, Account No. 009798, Miscellaneous Liability Payouts, to Fund No. 100/59, Account No. 009792, Police Liability Payouts.
3. AUTHORIZE the City Attorney to draw a demand from Fund No. 100/59, Account No. 009792, Police Liability Payouts, as follows: Shegerian & Associates Client Trust Account and Malcolm Thomas in the amount of **\$7,885,000**;
 - a. Of the \$7,885,000 dollars, \$5,519,500 is allocated to Plaintiff Malcolm Thomas' alleged physical injuries at issue in the current lawsuits.
 - b. \$2,365,500 is allocated to Plaintiff Malcolm Thomas' alleged non-physical injuries at issue in the current lawsuits.
4. AUTHORIZE LAPD to draw a demand from Fund No. 100/70, Account No. 001012, Sworn Salaries payable, to Malcolm Thomas for back wages in the amount of \$115,000, subject to all applicable taxes, deductions, and payroll withholdings.
5. AUTHORIZE the City Attorney, or designee, to make necessary technical adjustments, subject to the approval of the City Administrative Officer, and authorize the Controller to implement the instructions.

This matter was recommended for approval by the Budget, Finance and Innovation Committee (Blumenfield – Harris-Dawson – McOsker – Rodriguez: "Yes") at its meeting held on December 4, 2023, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

PRESENTED BY _____

BOB BLUMENFIELD
Councilmember, 3rd District

SECONDED BY _____

MARQUEECE HARRIS-DAWSON
Councilmember, 8th District

AS 12/4/23
CF 16-0594