



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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CITY OF SAN DIEGO TO FILE CROSS-COMPLAINT AGAINST MAYOR FILNER

San Diego, CA: With unanimous City Council approval in closed session earlier this morning, the City Attorney's office has been authorized to file a cross-complaint against Mayor Bob Filner seeking indemnity for all damages the City may be required to pay arising out of Irene McCormack Jackson v. City of San Diego. The cross-complaint also seeks recovery of attorney fees and costs incurred by the City in defending the case. A copy of the cross-complaint is attached.

A cross-complaint is the equivalent of a new lawsuit. It does not admit liability, but seeks indemnity from Mayor Filner should liability be found. The cross-complaint predicates Filner's personal liability on the fact that the ***"City of San Diego maintains a zero tolerance policy as to sexual harassment and sexual harassment is not within the course and scope of employment."*** [paragraph 6]

"The City of San Diego has sued the Mayor with unanimous City Council approval," said City Attorney Jan Goldsmith. "This is part of due process. If Bob Filner engaged in unlawful conduct and the City is held liable, he will have to reimburse us every penny the City pays and its attorney fees."

The City Attorney's office has been conducting a full investigation of the accusations since the original complaint was filed on July 22. As part of that investigation, Mayor Filner was subpoenaed for a deposition on August 9 to testify under oath as to his version of what occurred. In addition, City Attorney investigators have been meeting with potential witnesses and accumulating documentation.

Mayor Filner is being represented by private outside counsel in the lawsuit. The decision on whether the City will pay for Filner's defense will be made by the City Council at a special closed session at 5:30 p.m. today and will be reported out following the meeting.

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