

# City of Cambridge

MEETING

**EXECUTIVE SESSION**  
**Litigation: Monteiro et al**

DATE

June 9, 2008  
8:45 P.M.

PRESIDING  
OFFICER

Mayor Simmons

PRESENT

Mayor Simmons, Vice Mayor Murphy, Councillors  
Decker, Davis, Kelley, Reeves, Seidel, Sullivan,  
Toomey

Also present were Robert W. Healy, City Manager,  
Richard Rossi, Deputy City Manager. City Solicitor  
Donald Drisdell, Deputy City Solicitor Nancy  
Glowa, City Clerk D. Margaret Drury and Attorney  
Joan Lukey.

See attached summary of discussion points

AJOURNMENT

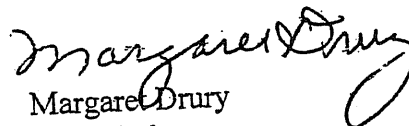
9:55 P.M., on motion of Councillor Toomey

**Summary of Discussion June 9, 2008**

The City Council met in Executive Session beginning at 8:45 P.M. for the purpose of discussion litigation strategy related pending litigation of Monteiro et al v City of Cambridge.

Attorney Lukey provided an update on the trial of plaintiff Malvina Monteiro.

No votes were taken. The meeting was adjourned at 9:55 P.M.

  
Margaret Drury  
City Clerk.

# City of Cambridge

MEETING

**EXECUTIVE SESSION**  
**Litigation: Monteiro et al**

DATE

May 7, 2009  
4:00 P.M.

PRESIDING  
OFFICER

Mayor Simmons

PRESENT

Mayor Simmons, Vice Mayor Seidel, Councillors  
Decker, Davis, Kelley, Reeves, Seidel, Sullivan,  
Toomey and Ward

Also present were Robert W. Healy, City Manager,  
City Solicitor Donald Drisdell, Deputy City Solicitor  
Nancy Glowa, City Clerk D. Margaret Drury and  
Attorney Joan Lukey.

See attached summary of discussion points

AJOURNMENT

5:10 P.M.

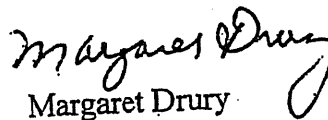
Summary of Discussion May 7, 2009

The City Council met in Executive Session beginning at 4 P.M. for the purpose of discussion of litigation strategy related to pending litigation of Monteiro et al v City of Cambridge.

Attorney Lakey provided a brief summary of the history of the case.

At 4:30 Councillor Decker left the meeting.

No votes were taken. The meeting was adjourned at 5:10 P.M.

  
Margaret Drury  
City Clerk.

# City of Cambridge

MEETING

**EXECUTIVE SESSION**  
Litigation: Monteiro et al

DATE

May 18, 2009  
8:30 P.M.

PRESIDING  
OFFICER

Mayor Simmons

PRESENT

Mayor Simmons, Vice Mayor Seidel, Councillors  
Davis, Decker, Kelley, Reeves, Sullivan, Toomey  
and Ward

See attached summary of discussion points

AJOURNMENT

9:20 P.M.

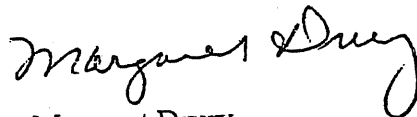
**Summary of Discussion May 18, 2009**

The City Council met in Executive Session beginning at 8:30 P.M. for the purpose of discussion of litigation strategy related to pending litigation of Monteiro et al v City of Cambridge.

Mayor Simmons called the meeting to order at 8:30 P.M.

The discussion focused on whether appeal was the right course of action. During this conversation there was a discussion of whether another outside attorney should review the case. There was a discussion of whether the cases should be settled. There was a discussion of whether this was something for the City Council to decide. There was a discussion of whether there had been sufficient time in executive session.

No votes were taken. The meeting was adjourned at 9:20 P.M.



Margaret Drury  
City Clerk.

# City of Cambridge

MEETING

**EXECUTIVE SESSION**  
**Litigation: Monteiro et al.**

DATE

June 15, 2009  
7:40 P.M.

PRESIDING  
OFFICER

Mayor Simmons

PRESENT

Mayor Simmons, Vice Mayor Seidel, Councillors  
Davis, Decker, Kelley, Reeves, Sullivan, Toomey  
and Ward

Also present were Robert W. Healy, City Manager,  
Richard Rossi, Deputy City Manager, City Solicitor  
Donald Drisdell, Deputy City Solicitor Nancy  
Glowa, City Clerk D. Margaret Drury and Attorney  
Joan Lukey.

AJOURNMENT

See attached summary of discussion points

9:24 P.M.

## Summary of Discussion June 15, 2009

The City Council met in Executive Session beginning at 8:30 P.M. for the purpose of discussion of litigation strategy related to pending litigation of Monteiro et al v City of Cambridge.

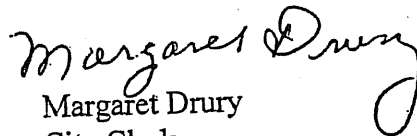
Mayor Simmons called the meeting to order at 7:40 P.M. She invited the City Manager to provide and update and the City Manger requested Attorney Lukey to begin with a brief chronology.

There ensued among the members a discussion of whether the City should appeal. The following issues were raised during the discussion:

- The amount of money involved makes the case worthy of appeal even without any other issues. It is really important for the City Council to be responsible even if the public, which does not have all of the facts, is upset.
- The City should not set a precedent of not appealing a \$6 million judgment. If the City does not appeal what incentive is there for the plaintiff to settle?

- The delay that has significantly increased the cost of this case is the delay of three years caused by the plaintiff not producing her school records.
- Informal conversations with other attorneys have led to a conclusion that even if the City's ultimate desire is to settle, the appropriate legal step at this point is to appeal.
- This case is not and never has been about the money. It is about fairness. Firing the plaintiff five years after she went to graduate school on city time looks like discrimination.
- Other city employees who have done lots of bad things as city employees got to keep their jobs. The City should settle this case now.
- The City Council should get its own second opinion from another attorney.
- Despite the fact that the City is losing the PR war, the prudent and wise course is to appeal. What the plaintiff did was egregious.

No votes were taken. The meeting was adjourned at 9:24 P.M.

  
Margaret Drury  
City Clerk.

# City of Cambridge

MEETING

**EXECUTIVE SESSION**  
**Pending Litigation: (1) Monteiro et al. (2) Idenix**

DATE

April 26, 2010  
7:30 P.M.

PRESIDING  
OFFICER

Mayor Maher

PRESENT

Mayor Maher, Vice Mayor Davis, Councillors  
Decker, Cheung, Kelley, Reeves, Seidel, Simmons,  
Toomey

Also present were Robert W. Healy, City Manager,  
Richard Rossi, Deputy City Manager, City Solicitor  
Donald Drisdell, Deputy City Solicitor Nancy  
Glowa, City Clerk D. Margaret Drury and Attorney  
Joan Lukey.

See attached summary of discussion points

AJOURNMENT

9:25 P.M.

**Summary of Discussion April 26, 2010  
(1) Monteiro et al.**

The City Council met in Executive Session beginning at 7:30 P.M. for the purpose of discussion of litigation strategy related to pending litigation of Monteiro et al. v City of Cambridge.

Mayor Maher called the meeting to order at 7:40 P.M.

Mayor Maher invited the City Manager to begin.

Attorney Lukey summarized what has happened in the litigation since last June.

Councillor Decker left the meeting at 8:05 P.M.

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Councillor Reeves left the meeting at 8:12 P.M.

No votes were taken.

# City of Cambridge

MEETING

**EXECUTIVE SESSION**  
**Pending Litigation: Monteiro et al.**

DATE

October 25, 2010  
8:35 P.M.

PRESIDING  
OFFICER

Mayor Maher

PRESENT

Mayor Maher, Vice Mayor Davis, Councillors  
Decker, Cheung, Kelley, Reeves, Seidel, Simmons,  
Toomey

Also present were Robert W. Healy, City Manager,  
Richard Rossi, Deputy City Manager, City Solicitor  
Donald Drisdell, Deputy City Solicitor Nancy  
Glowa, City Clerk D. Margaret Drury and Donna  
Lopez, Deputy City Clerk.

See attached summary of discussion points

AJOURNMENT

9 P.M.

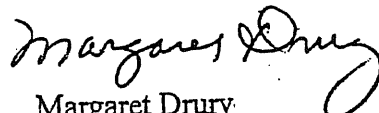
Summary of Discussion October 25, 2010  
Monteiro et al.

The City Council met in Executive Session beginning at 8:35 P.M. for the purpose of discussion of litigation strategy related to pending litigation of Monteiro et al. v City of Cambridge.

Mayor Maher called the meeting to order at 8:35 P.M.

No votes were taken.

The meeting was adjourned at 9 P.M.



Margaret Drury  
City Clerk

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# City of Cambridge

MEETING

**EXECUTIVE SESSION**  
**Pending Litigation: Monteiro et al.**

DATE

August 19, 2011  
9:20 A.M.

PRESIDING  
OFFICER

Mayor Maher

PRESENT

Mayor Maher, Councillors Decker, Cheung, Kelley,  
Reeves, Seidel, Simmons, Toomey  
Absent: Vice Mayor Davis

Also present were Robert W. Healy, City Manager,  
Richard Rossi, Deputy City Manager, City Solicitor  
Donald Drisdell, Deputy City Solicitor Nancy  
Glowa, City Clerk D. Margaret Drury, and Sandra  
Albano, Executive Assistant to the City Council.

See attached summary of discussion points

AJOURNMENT

10:25 A.M.

## Summary of Discussion August 19, 2011

The City Council met in Executive Session beginning at 9:20 A.M. for the purpose of discussion of litigation strategy related to the Massachusetts Appeals Court decision of August 15, 2011 No.2010-P-1240 in the pending litigation of Monteiro et al. v City of Cambridge.

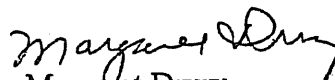
Mayor Maher called the meeting to order at 9:20 A.M.

Mayor Maher invited the City Manager to begin. Mr. Healy stated that the three justice panel of the Massachusetts Appeals Court had ruled against the City in the Malvina Monteiro case. He believes that it is time to end this litigation and move on. He does not intend to pursue an appeal to the Supreme Judicial Court, although he is extremely disappointed in the outcome and he will go to his grave knowing that he did not discriminate nor retaliate against Ms. Monteiro.

He informed the Council that the judgment will not affect the tax rate. It will be paid from the judgments and damages account and then funded from free cash. No appropriation of additional tax dollars is required.

There was a discussion about ending all of the cases in this lawsuit. It was noted that the court of law and the court of public opinion are very different. There was a hope expressed that the City Manager think long and hard about how to end this whole matter. While there was the suggestion that the City administration react with a degree of humility to the decision, it was also noted that it is important to remember that a jury found no discrimination and voted 11-1 no retaliation. There were several comments to the effect that the City Manager should keep in mind that he has earned his reputation as an outstanding city manager through many achievements during his long career as City Manager and this case cannot take that away.

No votes were taken. The meeting was adjourned at 10:20 A.M. on a roll vote with seven members voting in the affirmative and two members recorded as absent.

  
Margaret Drury  
City Clerk

# City of Cambridge

MEETING

**EXECUTIVE SESSION**  
**Pending Litigation: Monteiro et al.**

DATE

September 26, 2011  
7:25 P.M.

PRESIDING  
OFFICER

Mayor Maher

PRESENT

Mayor Maher, Vice Mayor Davis, Councillors  
Decker, Cheung, Kelley, Reeves, Seidel, Simmons,  
Toomey

Also present were Robert W. Healy, City Manager,  
Richard Rossi, Deputy City Manager, City Solicitor  
Donald Drisdell, Deputy City Solicitor Nancy  
Glowa, City Clerk D. Margaret Drury and Donna  
Lopez, Deputy City Clerk.

See attached summary of discussion points

AJOURNMENT

8:46 P.M.

**Summary of Discussion September 26, 2011**  
**Monteiro et al.**

The City Council met in Executive Session beginning at 7:25 P.M. for the purpose of (1) discussion of whether to uphold the Mayor's decision that the Monteiro et.al case is still pending such that disclosure of executive session minutes may have a detrimental effect on the City's legal position in the remainder of the case and therefore the reason for nondisclosure still pertains, and (2) an update on the remainder of the Monteiro et al. case.

Mayor Maher called the meeting to order at 7:25 P.M.

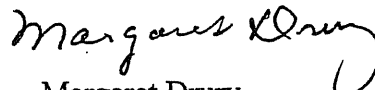
At this time Councillor Toomey moved the question. The question came on whether to uphold the Mayor's decision that the Monteiro case is still pending such that disclosure of executive session minutes may have a detrimental effect on the City's legal position in the remainder of the case and therefore the reason for nondisclosure still pertains. The roll was called and the results were as follow:

Yeas: Vice Mayor Davis, Councillor Kelley, Councillor Seidel,  
Councillor Toomey and Mayor Maher 5

Nays: Councillor Cheung, Councillor Decker, Councillor Reeves and Councillor  
Simmons 4

And the motion was passed on a roll call vote of 5 to 4.

Vice Mayor Davis moved adjournment, and on a roll call vote of 9-0, the meeting was adjourned at 8:46 P.M.

  
Margaret Drury  
City Clerk

H/Meeting notes