



## Female manager fired for opposing males in mayor's office: suit

**Amount:** \$750,000

**Type:** Settlement

**State:** California

**Venue:** San Bernardino County

**Court:** Superior Court of San Bernardino County, San Bernardino, CA

**Injury Type(s):**

- *mental/psychological* - emotional distress

**Case Type:**

- *Employment* - Retaliation; Whistleblower; Wrongful Termination; Gender Discrimination; Hostile Work Environment
- *Government* - Municipalities
- *Contracts* - Breach of Contract

**Case Name:** Andrea Miller v. City of San Bernardino, No. CIVDS1926878

**Date:** April 01, 2020

**Plaintiff(s):**

- Andrea Miller (Female)

**Plaintiff Attorney(s):**

- Bradley C. Gage; Goldberg & Gage; Woodland Hills CA for Andrea Miller

**Defendant(s):**

- City of San Bernardino

**Defense Attorney(s):**

- Irma Rodriguez Moisa; Atkinson, Andelson, Loya, Ruud & Romo; Cerritos, CA for City of San Bernardino

**Facts:**

On May 30, 2019, plaintiff Andrea Miller, the City Manager for the city of San Bernardino, was terminated from her position.

Miller was previously hired as the City Manager, under a five-year contract, by the city council, including Mayor John Valdivia, in August 2017. However, Miller claimed that she had numerous clashes with Valdivia and his staff from 2017 to April 2019. She complained to Valdivia and other council members about a hostile work environment that was allegedly created by the mayor's office. She also complained to different city council members about threatening emails that she allegedly received from the mayor's office, but within a few days, she was placed on administrative leave and ultimately terminated.

Miller sued the city of San Bernardino, alleging that the city's actions constituted gender discrimination, whistleblower retaliation and a breach of contract. She also alleged that the city's actions created a hostile work environment.

Miller claimed that Valdivia opposed her strengthened enforcement against illegal cannabis businesses, which allegedly made campaign contributions to Valdivia, and residential property owners, one of which made contributions to Valdivia's campaign. She alleged that as a result, she had numerous clashes with Valdivia and his staff. Miller claimed that, ultimately, Valdivia proposed, and a majority of the city council accepted for first reading, an amendment in March 2019 that significantly changed the city code regarding the duties and authority of the city manager. She also claimed that when she complained to Valdivia and other council members about a hostile work environment that was created by the mayor's office, and complained to different city council members about threatening emails she received from the mayor's office, she was placed on administrative leave a few days later. Miller alleged that the decision-makers, including Valdivia, who were all male, intended to remove her as the city manager and that because she was female, the new male decision-makers at the city questioned, on several alleged occasions, why the city had a female city manager and/or questioned the wisdom of having women in government. She claimed that she was eventually circumvented or entirely cut out of the flow of information and communications intrinsic to her essential job duties, and began to be excluded from meetings. She also claimed that she began to be subjected to enhanced scrutiny, had her authority in her role reduced, was subjected to administrative leave and was ultimately terminated.

The city's counsel denied Miller's claims, and contended that Miller was terminated without cause because the city wanted to go in a new direction.

**Injury:**

Miller claimed that she received strong performance evaluations during her tenure as City Manager, but that she began to be retaliated against and subjected to a hostile work environment. She alleged that as a result, she suffered from emotional distress.

Miller sought recovery of past loss of earnings, future loss of earnings and pension, and damages for her past and future emotional pain and suffering.

**Result:**

The parties agreed to a \$750,000 settlement prior to trial. The city agreed to pay Miller in exchange for a waiver of all of Miller's claims and a dismissal of all of Miller's claims against the city.

## **Trial Information:**

**Editor's Comment:** This report includes information that was provided by plaintiff's counsel. Additional information was gleaned from court documents. Defense counsel did not respond to the reporter's phone calls.