



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: September 8, 2020

DATE: Friday, September 04, 2020

TO: Board of County Commissioners

FROM: Lindsay L. Liddell, Deputy District Attorney
337-5700, lliddell@da.washoecounty.us

THROUGH: David Watts-Vial, Assistant District Attorney
Cathy Hill, Risk Manager

SUBJECT: Discussion and possible approval of a settlement of *Mary Lohnes v. Washoe County*, case number 3:19-cv-00287-MMD-WGC, for a total sum of \$50,000 inclusive of attorneys' fees and costs for all claims against Washoe County (All Commission Districts) FOR POSSIBLE ACTION

SUMMARY

This is a possible settlement of a lawsuit filed by former employee Mary Lohnes ("Ms. Lohnes") against Washoe County in July 2019. A proposed draft of the settlement agreement is attached as Exhibit 1 to this staff report. Ms. Lohnes' claims arise under the Family Medical Leave Act ("FMLA") and relate to Ms. Lohnes' transfers between library branches while on intermittent FMLA leave. The case is currently pending in the United States District Court for the District of Nevada, and is in the discovery stage.

The County previously authorized a settlement offer in the amount of \$50,000 inclusive of Ms. Lohnes' attorneys' fees and costs. Ms. Lohnes has now agreed to settle for \$50,000 inclusive of Ms. Lohnes' attorneys' fees and costs.

Pursuant to WCC 65.240(5), the Board has sole authority to settle any claim or suit for damages in this amount.

County Priority/Goal Supported by this Item: Government efficiency and financial stability.

PREVIOUS ACTION

- May 12, 2020. The Board authorized issuance of an Offer of Judgment in the amount of \$50,000, inclusive of attorneys' fees and costs.

AGENDA ITEM # _____

BACKGROUND

Ms. Lohnes is a former employee with the Washoe County Library System. After she resigned from employment in 2018, Ms. Lohnes filed a complaint in federal court asserting FMLA claims including Interference with her FMLA rights and Retaliation for use of FMLA, based on her assertions that she was re-assigned to a different and more distant library that interfered with her ability to care for her mother.

Ms. Lohnes was seeking over \$400,000 in damages in this case. Additionally, the FMLA provides that if a plaintiff prevails on any claim at trial he or she is entitled to an award of attorneys' fees. In May 2020, Washoe County sent Ms. Lohnes an Offer of Judgment in the amount of \$50,000 inclusive of her attorney's fees and costs. Ms. Lohnes declined the Offer of Judgment. Washoe County subsequently filed a Motion for Judgment on the Pleadings, and carried out discovery including the deposition of Ms. Lohnes. Ms. Lohnes has now agreed to settle her claims for \$50,000 inclusive of her attorney's fees and costs. The proposed settlement will not result in a judgment against Washoe County, and Washoe County makes no admissions regarding liability by entering the settlement agreement. The settlement will resolve all claims brought against Washoe County.

FISCAL IMPACT

Sufficient budget authority exists in the Risk Fund – 619 for payment of the \$50,000 settlement.

RECOMMENDATION

It is recommended that the Board approve the settlement of the claim of Mary Lohnes in the case of *Mary Lohnes v. Washoe County*, 3:19-cv-00287-MMD-WGC, for a total sum of [\$50,000] for all claims against Washoe County.

POSSIBLE MOTION

Should the Board agree with staffs' recommendation, a possible motion could be:

"I move to approve a settlement in the case of *Mary Lohnes v. Washoe County*, 3:19-cv-00287-MMD-WGC for a total sum of [\$50,000] for all claims against Washoe County."