



San Francisco City Attorney's Office Statement

For Immediate Release:
July 17, 2014
Contact: Matt Dorsey
(415) 554-4662

Independent public counsel denies disgruntled former deputy's bid for monetary damages

Following outside counsel's review of claim and related files, Santa Clara County Counsel rejects aspects of claim, finds other allegations time-barred by state law

SAN FRANCISCO (July 17, 2014)—Santa Clara County Counsel Orry P. Korb's office today denied a civil claim by a former San Francisco deputy city attorney who is seeking unspecified monetary damages from San Francisco taxpayers because of her separation from city employment.

Joanne Hoyer's July 1 claim, which had been previously described by City Attorney's Office spokesman Matt Dorsey as "baseless allegations of wrongdoing from a disgruntled former employee," was referred on July 9 to the Santa Clara County Counsel's Office together with all relevant files for independent evaluation and action. Such delegations of authority to independent outside public agency counsel are a common practice under reciprocal inter-governmental relationships, both to assure the integrity of claimants' procedural rights and to avoid any appearance of conflict by the public agency involved.

The Santa Clara County Counsel's notice to Hoyer returned without action all aspects of her claim related to alleged events that took place before Jan. 1, 2014, because such claims for monetary damages involving alleged harms older than six months are time-barred by California law. As to allegations relating to actions that took place on or after Jan. 1, Santa Clara explicitly rejected Hoyer's claims.

In response, City Attorney spokesman Matt Dorsey issued the following statement:

"We're pleased but not surprised that this meritless claim was rejected. As a former deputy city attorney, Ms. Hoyer was almost certainly aware that most of her baseless allegations were time-barred. That she chose to make them anyway—in a PR-driven pleading that likely shields her from defamation actions—I think demonstrates the vindictiveness underlying her claim. Ms. Hoyer is a disgruntled former employee, who clearly has some axes to grind against some of her former

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colleagues, who is expressly seeking a payout from San Francisco taxpayers. City Attorney Herrera owes a duty to those taxpayers, to all his current employees, and to all city attorneys who will follow him, to create no precedent or incentive for any disgruntled lawyer to betray the public trust by making reckless and unsupported charges of serious crimes in a bid to shake-down taxpayers. We hope Ms. Hoeper is satisfied that she has made her point, and that she refrains from wasting more public resources by continuing her bid for monetary damages. But the San Francisco City Attorney's Office stands ready to aggressively defend our city, as well as the reputations of the dedicated men and women whose integrity Ms. Hoeper so carelessly sought to impugn."

The California Government Tort Claims Act—the same law that time-barred Hoeper's claims for monetary damages involving alleged harms older than six months—also imposes a six-month deadline from the date of the Santa Clara County Counsel notice today to file an action in state court to continue to pursue monetary damages through litigation. The relevant provision of state law is Government Code section 945.6.

Additional information on the San Francisco City Attorney's Office is available at:
<http://www.sfcityattorney.org/>.

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**OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA**

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July 17, 2014

Stephen M. Murphy, Esq.
353 Sacramento Street, Ste. 1140
San Francisco, California 94111

Re: Claim by Joanne Hoepfer
Date of Loss: 01/07/2014
File Number 15-00005

NOTICE OF RETURN WITHOUT ACTION

The claim you presented to the City and County of San Francisco on July 1, 2014, is being returned as to all allegations pertaining to events or occurrences before January 1, 2014, because the claim as to those allegations was not presented within six months after the event or occurrence as required by law. (Government Code sections 901 and 911.2). Because the claim was not presented within the time allowed by law, no action was taken on the claim as to all allegations pertaining to events or occurrences before January 1, 2014.

Your only recourse at this time is to apply without delay to the City and County of San Francisco for leave to present a late claim as to all allegations pertaining to events or occurrences before January 1, 2014. (Government Code sections 901.4 to 912.2 and 946.6.) Under some circumstances, leave to present a late claim will be granted. (Government Code section 911.6.)

NOTICE OF REJECTION OF CLAIM

The claim you presented to the City and County of San Francisco on July 1, 2014 was rejected as to all allegations pertaining to events or occurrences on or after January 1, 2014. As to all allegations pertaining to events or occurrences before January 1, 2014, the claim has been returned without action.

Letter to Stephen M. Murphy, Esq.

Re: Claim by Joanne Hooper

Date: July 17, 2014

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WARNING

Subject to certain exceptions, you have only six (6) months from the date this Notice of Rejection of Claim was personally delivered or deposited in the mail to file a court action on the rejected claim. (Government Code section 945.6.) This time limitation applies only to causes of action for which Government Code sections 900 to 915.4 required you to present a claim. Other causes of action, including those arising under federal law, may have different time limitations.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Please also be advised that, pursuant to Code of Civil Procedure sections 128.7 and 1038, the City and County of San Francisco will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Very truly yours,

ORRY P. KORB
County Counsel

WINIFRED BOTHA
Assistant County Counsel

c: Jesse C. Smith
Chief Assistant Attorney

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

Jesse Capin Smith
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July 9, 2014

Orry P. Korb
County Counsel
Santa Clara County
70 West Hedding Street, East Wing, 9th Floor
San Jose, CA 95110-1770

Re: Claim No. 15-0005, filed by Stephen M. Murphy on behalf of Joanne Hoyer and received by the San Francisco Controller on July 1, 2014 (the "Hoyer Claim")

Dear Mr. Korb:

Thank you for agreeing to have your Office act in our stead on the Hoyer Claim referred to above, under our long-standing reciprocal relationship. The City Attorney is delegating to your office all the authority that this Office has under section 6.102.9 of the San Francisco Charter to investigate, evaluate and respond to the Hoyer Claim.

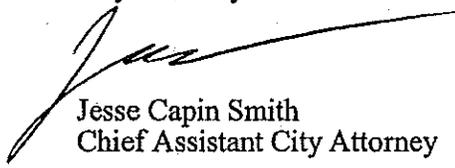
I also confirm our joint understanding that this delegation, and your agreement to act in this Office's stead, is limited to acting on the Hoyer Claim; should this matter result in litigation, the defense of that litigation will be handled separately, not by your office.

We will transfer relevant files to your office. All confidential attorney work product, confidential attorney-client communications and confidential personnel information will remain subject to the applicable privileges.

Please indicate your confirmation of the terms of this referral by signing and returning a copy of this letter. Thank you again.

Very truly yours,

DENNIS J. HERRERA
City Attorney


Jesse Capin Smith
Chief Assistant City Attorney

Letter to Orry P. Korb
County Counsel
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July 9, 2014

Agreed:

By:



Date: July 10, 2014

Attachments:

Copy of Claim No.
Charter Section 6.102.9