



## City Council Regular Meeting AGENDA ITEM

NUMBER: 11

**SUBJECT:**

Settlement with Gather Cohen in the Amount of \$575,000 Funded by the Self Insurance Fund to Resolve Litigation and Arbitration Matters (USDC Case No. 2:22-cv-01417-JAD-EJY; FMCS Case No. 230111-02537) and Authorization for City Manager or Her Designee to Execute Any Ancillary Documents Necessary to Effectuate the Settlement in a Form Approved by the City Attorney's Office. (Citywide) (For Possible Action; Recommendation – Approve and Authorize)

**REQUESTED BY:**

Andrew Moore, Acting City Attorney

**WARD:**

(Citywide)

**RECOMMENDATION OR RECOMMEND MOTION:**

Approve the settlement with Gather Cohen in the amount of \$575,000.00 and authorize the City Manager or her designee to execute any ancillary documents necessary to effectuate the settlement in a form approved by the City Attorney's Office.

**FISCAL IMPACT:**

Amount: \$575,000

Explanation: Settlement to be funded from the Self Insurance Fund.

**ACCOUNT NUMBER:**

00710-120110-430440

**STAFF COMMENTS AND BACKGROUND INFORMATION:**

On July 24, 2022, after the City modified work shifts for court marshals, Gather Cohen, a court marshal with the North Las Vegas Municipal Court, filed a complaint (Clark County District Court Case No. A-22-855845-C) against the City of North Las Vegas alleging claims for hostile work environment and harassment and other causes of action arising out of his employment with the City. On September 15, 2022, the City removed the case to federal court (Case No. 2:22-cv-01417-JAD-EJY) ("Litigation Matter").

On December 13, 2022, Cohen was terminated from the City for issues that arose related to the work schedule change. Following Cohen's termination, his union submitted a written grievance related to his termination, which was arbitrated (FMCS Case No. 230111-02537; "Arbitration Matter"). On November 10, 2023, an order was issued in the Arbitration Matter ordering that Cohen be reinstated to his position at the City with back pay and benefits, effective December 13, 2022, and also ordering that Cohen receive an unpaid suspension for the ten working days following December 13, 2022.

Following settlement discussions in the first quarter of 2024, the parties agreed to attend a mediation at federal court to attempt to resolve the Litigation and Arbitration Matters. On July 25, 2024, the parties attended a mediation and agreed to a settlement to resolve both matters in the total amount of \$575,000.00 pending City Council approval.

To eliminate any potential risk of an adverse verdict and to save money on further defending this matter, it is recommended that the City Council approve the proposed settlement amount of \$575,000.00 and also authorize the City Manager or her designee to execute the settlement agreement in a form approved by the City Attorney's office and any ancillary documents necessary to effectuate the settlement.

CIP No.	Related Item:	
LIST CITY COUNCIL GOAL(S): Responsible Fiscal Management		
PREPARED BY:	Respectfully Submitted	MEETING DATE:
Andrew Moore, Acting City Attorney	Micaela R. Moore, City Manager	August 21, 2024