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JAMES (MIKE) GANTT)

CITY OF OAKLAND, STATE OF CALIFORNIA

JAMES (MIKE) GANTT,

Claimant,

v.

CITY OF OAKLAND, LIBBY SCHAAF,
SABRINA LANDRETH, DAVID
DOWNING, and JOHN LOIS,

Respondents.

Claim No.

CLAIM PURSUANT TO CALIFORNIA
GOVERNMENT TORT CLAIMS ACT

TO THE CITY COUNCIL OF THE CITY OF OAKLAND:

You are hereby notified that JAMES (MIKE) GANTT, whose address is c/o Siegel & Yee, 499 14th Street, Suite 300, Oakland, CA 94612, claims damages from the CITY OF OAKLAND, LIBBY SCHAAF, SABRINA LANDRETH, DAVID DOWNING, and JOHN LOIS.

This claim is based on injuries sustained by claimant as a result of retaliation for his actions in pursuing the investigation of the death of BRENDA O'BRIEN, contrary to the apparent wishes of his supervisor, JOHN LOIS; and

for his complaints regarding violations of his rights to confidentiality in his personnel records.

As a result of claimant's actions he was (1) forced to transfer from the homicide division; (2) subjected to false accusations regarding allowing an unauthorized person to have access to confidential law enforcement records; (3) punished for alleged improper text messages with his colleagues; and (4) subjected to the City's failure to resolve its investigation into a domestic dispute involving the claimant and his spouse, thereby keeping him on administrative leave with greatly reduced compensation.

Additional information regarding this matter is set forth on the attached pages. This claim seeks recovery on the basis of all applicable legal theories, including but not limited to tort and statute and violations of the United States and California constitutions.

The names of the public employees and officials causing claimants' injuries include, but are not limited to, LIBBY SCHAAF, SABRINA LANDRETH, DAVID DOWNING, and JOHN LOIS.

As a result of the actions of the public employees and officials named above, and others, claimant has been damaged by suffering the loss of income; damage to his reputation; emotional distress; and violations of his rights to due process and equal protection of the laws. He has and will incur medical, legal, and incidental expenses. The damages sought by this claim are within the unlimited jurisdiction of the Superior Court.

All notices or other communications with regard to this claim should be sent to Dan Siegel, Attorney for Claimant, at Siegel & Yee, 499 14th Street, Suite 300, Oakland, CA 94612.

Dated: November 1, 2016

SIEGEL & YEE

By _____
Dan Siegel

Attorneys for Claimant
JAMES (MIKE) GANTT

Basis of Claim

JAMES (MIKE) GANTT joined the Oakland Police Department in November 1988. In February 2003, he was promoted to the rank of Police Sergeant. He joined the OPD Homicide Division on May 9, 2009.

Sgt. Gantt is a highly respected, decorated and honored investigator. Among his many honors are: (1) Top Cop award from the National Association of Police Organizations; (2) Four Medals of Merit from the Oakland Police Department; (3) Oakland Police Officers Association Officer of the Year (Runner-up); (4) OPD Captain's Certificate of Commendation.

On June 16, 2014, Sgt. Gantt and Homicide Inspector Caesar Basa were assigned to investigate the death of Irma Huerta Lopez, the wife of OPD Officer Brendan O'Brien. Although Officer O'Brien reported his wife's death as a suicide, Sgt. Gantt's review of evidence at the scene and his interview with Officer O'Brien led him to reasonably conclude that the death of Ms. Huerta Lopez was potentially a homicide and that Officer O'Brien should be viewed as a suspect in his wife's death. However, when Sgt. Gantt began to question Officer O'Brien closely about the matter, Sgt. Basa interrupted him, and the interrogation was terminated. Later that day, Lieutenant John Lois removed Sgt. Gantt from the investigation of Ms. Huerta Lopez's death. Sgt. Gantt believes that he was removed from the investigation to avoid a finding that Officer O'Brien had killed his wife.

On or about July 31, 2014, several Homicide Inspectors improperly obtained access and viewed Sgt. Gantt's confidential personnel records.

Although Sgt. Gantt made a complaint about this misconduct, no action was taken to discipline the individuals involved.

On August 6, 2014, Sgt. Gantt requested to be transferred out of the Homicide Unit because of the harassment he was experiencing.

On April 15, 2016, the Chief of Police suspended Sgt. Gantt's peace officer status and directed that he be placed on administrative leave as a result of a domestic dispute involving Sgt. Gantt and his spouse on April 13, 2016. Although neither Sgt. Gantt nor his spouse was injured in that incident and neither wished to make charges against the other, the City of Oakland has failed and refuses to complete that investigation, leaving Sgt. Gantt in limbo while depriving him of a major portion of his compensation. Sgt. Gantt believes that he was subjected to this harsh and unjustified treatment in retaliation for his efforts to pursue the investigation into the death of Irma Huerta Lopez and for complaining about the actions of Homicide Inspectors who violated his right to confidentiality in his personnel records.

On or about June 12, 2016, Oakland Mayor Libby Schaaf and City Administrator Sabrina Landreth publicly accused Sgt. Gantt of improperly allowing an acquaintance to review and transcribe confidential materials relating to homicide investigations. However, these materials were not confidential at all, but instead were simply audio recordings of jail conversations that Sgt. Gantt's acquaintance transcribed. The Alameda County District Attorney cleared Sgt. Gantt of criminal wrongdoing on June 23, 2016. Sgt. Gantt believes that he was accused of violating City policy to deflect attention from allegations that multiple Oakland police officers had engaged in

the sexual exploitation of a young woman, Celeste Guap. The City continues to pursue administrative sanctions against Sgt. Gantt as a result of this incident.

On July 25, 2016, Oakland City Administrator Sabrina Landreth informed Sgt. Gantt that she intended to suspend him without pay because of his involvement in sending certain offensive text messages to other members of the Homicide Unit in 2014. Sgt. Gantt believes that this action was part of the campaign of retaliation and stigmatization against him described above.

The Oakland Police Department continues to pursue additional administrative sanctions against Sgt. Gantt by combing through files of long completed homicide investigations to find evidence of alleged misconduct by him.

The actions described above were committed to retaliate against Sgt. Gantt for his efforts to investigate Officer O'Brien for the death of his wife and for filing complaints against other members of the Homicide Unit. Said acts and omissions were committed intentionally and maliciously and with the intent to deprive claimant of his federal and state statutory and constitutional rights and to harm him, and/or recklessly or negligently in disregard of his rights. Said acts were carried out pursuant to the policies and practices of the City of Oakland and its police department.