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Boston Strikes \$3.3M Deal In Firefighter's Sex Assault Case

By **Alexis Shanes**

Law360 (January 13, 2021, 6:21 PM EST) -- The city of Boston agreed to shell out \$3.25 million to end a lawsuit brought by a former firefighter who said she was sexually assaulted by a colleague in a firehouse, the city and attorneys for the woman confirmed Wednesday.

Nathalie Fontanez spoke out in a Zoom press conference with her attorneys on Tuesday, saying she was the woman assaulted on the job by a male firefighter in January 2018. That former firefighter was convicted in 2020 of one count of indecent assault and battery and one count of assault and battery, and sentenced to two years' probation.

"I'm breaking my silence because I believe that women firefighters deserve equal treatment in the Boston Fire Department," she said Tuesday. "At this point, that is the dream but not the reality for many women firefighters."

Fontanez sued the city in October 2019 and reached the settlement last month, according to filings in Massachusetts Superior Court. Her complaint is not publicly available.

Fontanez's lawyer, Gloria Allred, said during the press conference that the alleged assailant wasn't required to register as a sex offender and was allowed to step down from the fire department instead of being fired.

"This result was obtained because of Nathalie's courage in pursuing this case," Allred said. "She broke into the old boys' club. She will be remembered by many women firefighters as a trailblazer."

A single mother who previously worked two minimum-wage jobs, Fontanez said she became a firefighter to care for her daughter and support the community where she grew up. She added that she was hired when the department began recruiting bilingual people.

"I wanted to be one of Boston's bravest," she said. "I wanted my daughter to be proud. I wanted to be the woman I never saw driving firetrucks through my neighborhood."

But after joining the department, male colleagues treated her like a "second-class citizen" and often reminded her she had taken a job that could have gone to a man, she said.

During her assailant's trial, uniformed male colleagues showed up to support him, Fontanez said. They accused Fontanez of making him lose his job and shunned her, she added.

After the trial, the fire department kept Fontanez from returning to work and denied her a new role, saying she didn't have enough experience, Allred said. The department gave that job to a white man who joined the department the same day as Fontanez, Allred said. Fontanez ultimately resigned her position.

In a Wednesday statement, Boston Fire Commissioner John Dempsey said the department wished Fontanez well and was sad to lose her.

"I do not tolerate harassment, discrimination, or any such behavior by any member of the Boston

Fire Department," he said, adding that the department was working to reach "every firefighter" with anti-discrimination and team dynamics trainings.

A spokesperson for Boston Mayor Marty Walsh said on Wednesday that the city had launched an independent review of the fire department's culture.

"A former female firefighter was hired to conduct comprehensive discrimination and harassment workplace trainings for all firefighters and officers," the spokesperson said in a statement. "This behavior and these actions will never be tolerated and we will continue taking the steps needed to ensure a safe, welcoming and inclusive workplace for everyone working in the department."

President-elect Joe Biden last week **announced Walsh** as his pick to helm the U.S. Department of Labor.

The Boston Law Department did not immediately respond to a request for comment late Wednesday.

Fontanez is represented by Gloria Allred and Michael Maroko of Allred Maroko & Goldberg, Jonathan Margolis of Powers Jodoin Margolis & Mantell LLP and Beth Myers of Burns & Levinson LLP.

The City of Boston Fire Department is represented by Edward Whitesell Jr. of the City of Boston Law Department.

The case is Fontanez v. City of Boston Fire Department, case number 1984cv03067, in the Suffolk County Superior Court.

--Editing by Robert Rudinger.