

CPM Helps Former City Attorney, Randolph Hom, Begins Process for Multimillion Dollar Lawsuit for Unlawful Discharge Against City of Cupertino

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Randolph Hom, the former head City Attorney for the City of Cupertino, filed a California Tort Claim today, beginning the process for a multimillion dollar lawsuit against the City of Cupertino for its unlawful and retaliatory discharge of Mr. Hom. Mr. Hom is represented by Joseph W. Cotchett, Adam J. Zapala, and Tamarah P. Prevost.

The filings allege that the City unlawfully retaliated against Mr. Hom by terminating him because of his determination that the proposed \$3 billion redevelopment of the Vallco Mall by Sandhill Development violates state law. Mr. Hom had expressed his opposition to the plan based on his view, supported by other legal counsel, that the plan was inconsistent with the City's General Plan, among other reasons. As reported by several news outlets, the fate of the Vallco Development has been under much scrutiny by Cupertino residents and lobbying groups.

Attorney Adam J. Zapala, stated "as alleged in our filings, we strongly believe that the City of Cupertino's adverse employment action against our client was unjust and motivated by the City's desire to muzzle Mr. Hom's opposition to the development plan and his reasoned legal opinion that the plan violates state law and the City's General Plan. The City implemented the adverse employment action against Mr. Hom so it could force through approval of the Vallco Development without appropriate consideration. The extraordinarily coincidental timing of Mr. Hom's adverse employment action—only days after expressing his opposition—raises serious questions by itself, but the explicit statements by Councilman Barry Chang, who threatened adverse action against Mr. Hom unless he allowed the Vallco Development proposal to

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Practice Areas

Employment Law

Retaliation and Whistleblower Protection

CPM HELPS FORMER CITY ATTORNEY, RANDOLPH HOM, BEGINS PROCESS FOR MULTIMILLION DOLLAR LAWSUIT FOR UNLAWFUL DISCHARGE AGAINST CITY OF CUPERTINO

be pushed through, make clear that Mr. Hom's firing was illegal. We intend to vigorously litigate this case to ensure that courageous public servants, like Randolph Hom, are protected from employers seeking to silence whistleblowers. It is critical that public employees remain free to blow the whistle on unlawful conduct without fear of retaliation."

The pre-litigation filing alleges that on April 24th and 27th, Mr. Hom vocalized his opposition to the Vallco Development, based on his opinion that it violated state law and was inconsistent with the City's General Plan. In response, City councilmember Barry Chang sent a series of text messages to Mr. Hom, and verbally berated him, imploring Mr. Hom to cease his opposition and to get in line with the unlawful behavior. Mr. Chang informed Mr. Hom that if his whistleblowing conduct continued, he would have no choice but to see to Mr. Hom's termination. Mr. Hom refused to be silenced. Shortly thereafter, Mr. Hom was placed on administrative leave.