

FILED
OFFICE OF THE CITY CLERK
OAKLAND

21 DEC 16 PM 5:30

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 88992 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF FRANCISCO NEGRETE, WILLIAM BERGER, CRAIG TANAKA, BRANDON HRAIZ, JOSEF PHILLIPS, V. CITY OF OAKLAND; POLICE COMMISSION OF THE CITY OF OAKLAND; DOES 1 - 10, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG20062117, CITY ATTORNEY'S FILE NO. X04860-1, IN THE AMOUNT OF FORTY THOUSAND DOLLARS AND ZERO CENT (\$40,000.00) (COMMUNITY POLICE REVIEW AGENCY - ADMINISTRATIVE WRIT OF MANDAMUS)

WHEREAS, on May 21, 2020, Petitioners Francisco Negrete, William Berger, Craig Tanaka, Brandon Hraiz, and Josef Phillips (Petitioners) filed a Petition for Writ of Traditional Mandate pursuant to Code of Civil Procedure section 1085 to seek production of documents from the City under the Public Records Act (PRA) in connection with two PRA requests; and

WHEREAS, the City complied with the PRA requests but withheld two categories of documents based upon claimed exemptions, the dispute over which was resolved by the trial court in the City's favor; and

WHEREAS, on October 18, 2021, the trial court entered judgment in favor of the City, denying the Petition as moot to the extent that the City already produced the responsive documents by the time of the hearing, and denying the Petition, to the extent not mooted by production, finding the City's claimed exemptions as to the two outstanding categories of documents justified; and

WHEREAS, notwithstanding the denial of the Petition, the trial court nevertheless found Petitioners to be "the prevailing party [] as the lawsuit provided the catalyst for the production of the documents that rendered the case moot as to those documents"; and

WHEREAS, without admitting Petitioners are entitled to attorneys' fees purportedly incurred; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Francisco Negrete, William Berger, Craig Tanaka, Brandon Hraiz, Josef Phillips, v. City of Oakland; Police Commission of the City of Oakland; DOES 1 through 10, inclusive, Alameda County Superior Court Case No. RG20062117, City Attorney's File No. X04860-1, for the sum of Forty Thousand Dollars and Zero Cents (\$40,000); and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

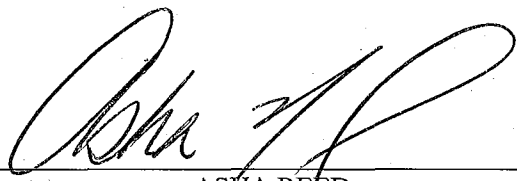
PASSED BY THE FOLLOWING VOTE: **JAN 18 2022**

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND **8**
PRESIDENT FORTUNATO BAS

NOES - **0**

ABSENT - **0**

ABSTENTION - **0**

ATTEST: 
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California