


CITY ATTORNEY'S OFFICE

2022 DEC -9 AM 10:19

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

RESOLUTION NO. 89532 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ZELDA B., A MINOR, BY AND THROUGH BRIAN A. THOMAS, AS GUARDIAN AD LITEM, CYNTHIA M., A MINOR, BY AND THROUGH RACHEAL D. COLSTON, AS GUARDIAN AD LITEM, BRIAN A. THOMAS IN HIS INDIVIDUAL CAPACITY, RACHEAL D. COLSTON IN HER INDIVIDUAL CAPACITY, PHYLLIS A. THOMAS AND CHARLES A. THOMAS, SR., V. CITY OF OAKLAND, PUBLIC EMPLOYEE-DIRECTOR LARICHEA SMITH, OAKLAND UNIFIED SCHOOL DISTRICT, AND DOES 1-10, UNITED STATES DISTRICT COURT CASE NO. 4:21-CV-07078-DMR, CITY ATTORNEY FILE NO. 34454, FOR A TOTAL SUM OF NINETY FIVE THOUSAND DOLLARS AND NO CENTS (\$95,000.00) TO BE PAID TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD (PARKS, RECREATION & YOUTH DEVELOPMENT DEPARTMENT – CIVIL RIGHTS)

WHEREAS, Plaintiffs attended a recreational youth basketball league game at the McClymonds High School gymnasium on February 15, 2020 that was staffed by City of Oakland employees, and allege that at the game a City employee used a racial epithet towards them and engaged in assaultive and harassing behavior; and

WHEREAS, Plaintiffs filed *Zelda B., et al. v. City of Oakland, et al.*, United States District Court Case No. 4:21-CV-07078-DMR, claiming that the City's employee discriminated against them on the basis of race, in violation of the Equal Protection Clause of the U.S. Constitution, and on the basis of disability, in violation of the Americans with Disabilities Act; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise Plaintiffs' claims in the amount of Ninety-Five Thousand Dollars and No Cents (\$95,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Zelda B., et al. v. City of Oakland, et al.*, United States District Court Case No. 4:21-CV-07078-DMR for the sum of Ninety-Five Thousand Dollars and No Cents (\$95,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 20 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, ~~MINI~~ TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid

ATTEST:



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