

December 16, 2021

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, December 16, 2021*

Litigation Negotiations

NAME OF ACTION:

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

This matter is listed as **Item No. 1(f)** on the Closed Session Agenda:

The council authorized settlement in the amount of **\$40,000.00**

FACTS/ISSUES:

On May 21, 2020, 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. The City ultimately complied with the PRA requests but withheld two categories of documents based on exemptions, which Petitioners challenged. The matter proceeded to a merits hearing based on the two disputed categories of documents. The court denied the Petition as moot to the extent that the City already produced the responsive documents by the time of the hearing. The court also denied the Petition, to the extent not mooted by production, finding the City's claimed exemptions as to the two outstanding categories of documents justified.

On October 18, 2021, the court entered judgment in favor of the City but 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." Thereafter, Petitioners' counsel provided an estimate of attorneys' fees incurred prosecuting this action. This settlement represents a discount on the fees incurred by Petitioners, avoids an attorneys' fees motion, and fully resolves Petitioners' entitlement to attorneys' fees, the only outstanding issue in this matter.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Vice Mayor Kaplan**

AYES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas= 8

NOES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=

ABSENT: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=

ABSTENTIONS: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=