

CITY OF OAKLAND



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HONORABLE CITY COUNCIL
Oakland, California

**Subject: Zelda B. et al. 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
(Parks, Recreation & Youth Development Department – Civil Rights)**

Dear President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled lawsuit for the sum of Ninety Five Thousand Dollars and No Cents (\$95,000.00), payable to the settling Plaintiffs in a manner specified by Plaintiffs’ counsel.

Plaintiffs are six persons who 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. Plaintiffs allege that at the game a City employee used a racial epithet towards them and engaged in assaultive and harassing behavior. They claim 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.

The City has determined that settlement in the amount of \$95,000.00, without admitting liability and to avoid further litigation, is in the best interest of the City.

The City Council authorized settlement of this case in Closed Session on Thursday, December 8, 2022 (moved by Vice Mayor Rebecca Kaplan and seconded by Councilmember Noel Gallo – 5 Ayes and 3 Absent - President Pro Tempore Sheng Thao, Council President Nikki Fortunato Bas and Councilmember Carroll Fife).

Respectfully submitted,

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Kevin P. McLaughlin