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CITY OF OAKLAND



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Office of the City Attorney
Barbara J. Parker
City Attorney

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November 13, 2012

HONORABLE CITY COUNCIL
Oakland, California

Subject: Alliance Recycling, Inc. v. City of Oakland et al.
Alameda County Superior Court No. RG10509612
Our File No. X03509
(City Administrator, Police Services Agency)

President Reid 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 action for the sum of \$73,800 (Seventy-three thousand eight hundred dollars) payable to Plaintiff Alliance Recycling, Inc., and Robert A. Bernheimer, APLC Attorney Client Trust Account, plaintiff's attorney's trust account.

This action arises out of an action brought by plaintiff to enjoin a conditional use permit revocation hearing and to obtain records from the City. Plaintiff sought \$267,125.56 in attorney's fees and costs for obtaining the records. The trial court awarded \$77,721.25 in fees and costs. The City appealed, and the appeal is pending. This matter was heard in closed session on September 18, 2012.

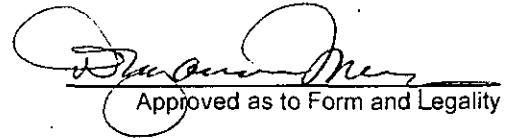
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Parker, for".

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Mark Morodomi

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Approved as to Form and Legality

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ALLIANCE RECYCLING, INC. V. CITY OF OAKLAND ET AL. ALAMEDA COUNTY SUPERIOR COURT NO. RG10509612 IN THE AMOUNT OF \$73,800 (CITY ADMINISTRATOR, POLICE SERVICES AGENCY)

WHEREAS: Plaintiff Alliance Recycling, Inc., filed the above-referenced action to enjoin a conditional use permit revocation hearing and to obtain records from the City;

WHEREAS: The City has determined to compromise and settle Plaintiff's claims in the action against the City for the sum of \$73,800 (Seventy-three thousand eight hundred dollars); therefore

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Alliance Recycling, Inc. v. City of Oakland et al. Alameda County Superior Court No. RG10509612, City Attorney's File No. X03509, for a sum not to exceed \$73,800 (Seventy-three thousand eight hundred dollars), payable by the City of Oakland.

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

FURTHER RESOLVED: That the sum of \$73,800 (Seventy-three thousand eight hundred dollars) be paid to Plaintiff Alliance Recycling, Inc., and Robert A. Bernheimer, APLC Attorney Client Trust Account, plaintiff's attorney's trust account.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, AND
PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS

CITY CLERK AND CLERK OF THE
COUNCIL OF THE CITY OF OAKLAND