

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 FEB 21 PM 6:02

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara J. Parker  
City Attorney

(510) 238-3601  
FAX:(510) 238-6500  
TTY:(510) 238-3254

March 5, 2013

HONORABLE CITY COUNCIL  
Oakland, California

Subject: Delphine Allen et al v. City of Oakland, et al.  
United States District Court No. C00-4599 TEH  
Our File No: R20752  
Re: Attorney Fees Proposed Settlement (PSA)

President Kernighan and Members of the Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution authorizing settlement of the attorneys' fees and costs arising out of the receivership proceedings in the above-captioned matter in the total amount of Six Hundred Eighty-One Thousand Six Hundred Twenty-Eight Dollars and Forty Cents (\$681,628.40) made payable, in separate drafts, to Plaintiffs' counsel as follows: James B. Chanin, in the amount of Two Hundred Eighty-Five Thousand One Hundred Forty Dollars and Twenty Cents (\$285,140.20); Julie M. Houk, in the amount of Two Hundred Fifty-Two Thousand Six Hundred Three Dollars and No Cents (\$252,603.00); and John L. Burris, in the amount of One hundred Forty-Three Thousand Eight Hundred Eighty-Five Dollars and Twenty Cents (\$143,885.20).

This settlement amount was approved by the City Council at the Tuesday, February 5, 2013 closed session.

Allen, et al v. City of Oakland, et al, is a lawsuit that arose from alleged wrongdoings of a team of four Oakland Police Officers (known as the "Riders") during the late nineteen nineties and early 2000. The City settled the damages portion of the case for approximately \$11,000,000.00 in 2003. The City paid \$2.1 million out of pocket and the balance was covered by insurance. Resolution of the injunctive relief portion of the case was subject to the City's implementation of reforms agreed to by the City and plaintiffs' attorneys. In January 2012, the Court ordered that the parties file written briefs as to whether a receivership should be imposed on the Oakland Police Department in order to ensure compliance. The court scheduled a December 2012, hearing on the receivership issues.

**7.3**  
MEETING OF THE  
OAKLAND CITY COUNCIL  
MAR 05 2013

HONORABLE CITY COUNCIL

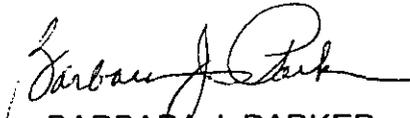
March 5, 2013

Subject: Delphine Allen et al v. City of Oakland, et al.  
Re: Attorney Fees Proposed Settlement

Page 2

On December 5, 2012, the parties jointly submitted a proposed order to the Court to resolve the issues in the receiver motion and the City's opposition papers. The Court subsequently issued a December 12, 2012 order that provided for appointment of a Compliance Director by the Court to assist the City with completing the reforms, specified the powers and duties of the Compliance Director and a procedure to address disputes, and provided for the award of attorneys' fees to plaintiffs for preparing the receivership motion.

Respectfully submitted,



BARBARA J. PARKER  
City Attorney

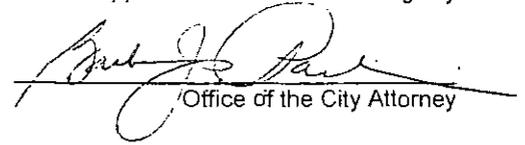
Attorney Assigned:  
Randolph Hall

1100641

**73**  
MEETING OF THE  
OAKLAND CITY COUNCIL

MAR 05 2013

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
Office of the City Attorney

2013 FEB 22 AM 8:43

# OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

RWH: ssl

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE ATTORNEY FEES AND COSTS ARISING OUT OF THE RECEIVERSHIP PROCEEDINGS IN THE CASE OF DELPHINE ALLEN ET AL. V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C00-4599-TEH, CITY ATTORNEY'S FILE NO: R20752, IN THE TOTAL AMOUNT OF SIX HUNDRED EIGHTY-ONE THOUSAND SIX HUNDRED TWENTY-EIGHT DOLLARS AND FORTY CENTS (\$681,628.40) MADE PAYABLE, IN SEPARATE DRAFTS, TO PLAINTIFFS' COUNSEL AS FOLLOWS: JAMES B. CHANIN, IN THE AMOUNT OF TWO HUNDRED EIGHTY-FIVE THOUSAND ONE HUNDRED FORTY DOLLARS AND TWENTY CENTS (\$285,140.20); JULIE M. HOUK, IN THE AMOUNT OF TWO HUNDRED FIFTY-TWO THOUSAND SIX HUNDRED THREE DOLLARS AND NO CENTS (\$252,603.00); AND JOHN L. BURRIS, IN THE AMOUNT OF ONE HUNDRED FORTY-THREE THOUSAND EIGHT HUNDRED EIGHTY-FIVE DOLLARS AND TWENTY CENTS (\$143,885.20) (POLICE SERVICES AGENCY)**

**WHEREAS**, federal law entitles the prevailing parties in litigation pursuant to 42 United States Code section 1983, to a reasonable award of attorney fees and costs, and

**WHEREAS**, the above captioned action, Delphine Allen, et al. v. City of Oakland, et al., United States District Court Case No. C00-4599-TEH, City Attorney's File No: R20752, is an action brought pursuant to 42 U.S.C. section 1983 ("Allen, et al. v. City of Oakland, et al."), and

**WHEREAS**, during the Spring, Summer and Fall of 2012, John L. Burris, James B. Chanin and Julie M. Houk incurred attorney fees and expenses incident to preparing for the court ordered December 13, 2012 hearing in Allen, et al. v. City of Oakland, et al., to determine if the court should impose a receivership or some other form of court oversight over the City of Oakland in order to ensure full compliance with the Negotiated Settlement Agreement ("NSA") in this captioned action, and

**7.3**

**WHEREAS**, as a result of joint effort by City of Oakland and by John L. Burris, James B. Chanin and Julie M. Houk, agreement was reached that court oversight to achieve NSA compliance should be in the form of a Compliance Director, and

MEETING OF THE  
OAKLAND CITY COUNCIL

MAR 05 2013

**WHEREAS**, the court agreed with the parties' recommendation that a Compliance Director should be selected and appointed to direct compliance with NSA compliance, and

**WHEREAS**, the agreement that a Compliance Director should be appointed to oversee NSA compliance meant that John L. Burris, James B. Chanin and Julie M. Houk were prevailing parties statutorily entitled to an award of reasonable attorney fees and costs, and

**WHEREAS**, on or about January 8, 2013, John L. Burris, James B. Chanin and Julie M. Houk presented a demand for attorney fees and costs they incurred during preparation for the above referred to December 13, 2012 hearing, and

**WHEREAS**, City Attorney negotiations with John L. Burris, James B. Chanin and Julie M. Houk reduced the fees and costs demand to Six Hundred Eighty-One Thousand Six Hundred Twenty-Eight Dollars and Forty Cents (\$681,628.40), and

**WHEREAS**, on February 5, 2013, the City Council approved, in closed session, settlement of the attorney fees and costs demands of John L. Burris, James B. Chanin and Julie M. Houk for the total amount of Six Hundred Eighty-One Thousand Six Hundred Twenty-Eight Dollars and Forty Cents (\$681,628.40) and now, therefore, be it

**RESOLVED**, that the City Attorney is authorized and directed to settle attorney fees and costs arising out of the receivership proceedings in the case of Delphine Allen et al. v. City of Oakland, et al., United States District Court Case No. C00-4599-TEH, City Attorney's File No. R20752, in the total amount of Six Hundred Eighty-One Thousand Six Hundred Twenty-Eight Dollars and Forty Cents (\$681,628.40) made payable, in separate drafts, to Plaintiffs' counsel as follows:

James B. Chanin, in the amount of Two Hundred Eighty-Five Thousand One Hundred Forty Dollars and Twenty Cents (\$285,140.20); Julie M. Houk, in the amount of Two Hundred Fifty-Two Thousand Six Hundred Three Dollars and No Cents (\$252,603.00); and John L. Burris, in the amount of One hundred Forty-Three Thousand Eight Hundred Eighty-Five Dollars and Twenty Cents (\$143,885.20); and be it

**FURTHER RESOLVED**, that the City Attorney is authorized and directed to settle attorney fees and costs arising out of the receivership proceedings in the case of Delphine Allen et al. v. City of Oakland, et al., United States District Court Case No. C00-4599-TEH, City Attorney's File No. R20752, in the total amount of Six Hundred Eighty-One Thousand Six Hundred Twenty-Eight Dollars and Forty Cents (\$681,628.40) made payable, in separate drafts, to Plaintiffs' counsel as follows:

James B. Chanin, in the amount of Two Hundred Eighty-Five Thousand One Hundred Forty Dollars and Twenty Cents (\$285,140.20); Julie M. Houk, in the amount of Two Hundred Fifty-Two Thousand Six Hundred Three Dollars and No Cents (\$252,603.00); and John L. Burris, in the amount of One hundred Forty-Three Thousand Eight Hundred Eighty-Five Dollars and Twenty Cents (\$143,885.20); and be it

**FURTHER RESOLVED**, that the City Attorney is further authorized and directed to take whatever steps as may be necessary to implement this settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, KALB, GALLO, KAPLAN, MCELHANEY GIBSON, REID, SCHAAF and  
PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

**7.3**  
LaTonda Simms  
City Clerk and Clerk of the Council  
of the City of Oakland, California

1100682