

14 SEP 25 PM 2:49

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

October 7, 2014

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Donna White v. City of Oakland
United States District Court Case No. C11-03846 NC
City Attorney File No. 28414
Public Works Department/Office of Parks and Recreation –
American Disabilities Act (ADA) Access**

President Kernighan 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 claim for the sum of Three Hundred Forty-eight Thousand Dollars and no Cents (\$348,000.00), payable to Paul L. Rein in Trust for Donna White.

This action arises out of the above-referenced action, in which Plaintiff Donna White, a disabled individual, alleges she encountered legally non-compliant access to Woodminster Amphitheater on October 10, 2010 and October 9, 2011.

The Council authorized settlement of this case in Closed Session on Tuesday, September 23, 2014 (moved by Councilmember Lynette Gibson McElhaney and seconded by Councilmember Larry Reid - 8 Ayes).

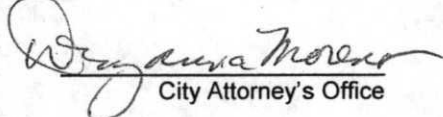
Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Barbara J. Parker", written in a cursive style.

BARBARA J. PARKER
City Attorney

Attorney assigned:
Arlene M. Rosen

14 SEP 25 PM 2:49


City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DONNA WHITE V. CITY OF OAKLAND, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA NO. C11-03846 NC, CITY ATTORNEY'S FILE NO. 28414 IN THE AMOUNT OF THREE HUNDRED FORTY-EIGHT THOUSAND DOLLARS (\$348,000.00) (PUBLIC WORKS DEPARTMENT/OFFICE OF PARKS AND RECREATION – AMERICAN DISABILITIES ACT (ADA) ACCESS)

WHEREAS, Plaintiff Donna White alleges she was denied legally compliant disabled access at Woodminster Amphitheater on October 10, 2010 and October 9, 2011; and

WHEREAS, Plaintiff Donna White filed the above-referenced action to recover monetary damages and attorneys' fees for denial of legally compliant disabled access to her; and

WHEREAS, the City has determined to compromise and settle Plaintiff Donna White's claim against it for the sum of Three Hundred Forty-eight Thousand Dollars and No Cents (\$348,000.00); and

WHEREAS, the City has agreed to perform the injunctive relief pursuant to agreement of the parties to improve disabled access to Woodminster Amphitheater; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Donna White v. City of Oakland, United States District Court, Northern District of California Case No. C11-03846 NC for a sum not to exceed Three Hundred Forty-eight Thousand Dollars and No Cents (\$348,000.00) payable by the City of Oakland, of which sum Twenty-three Thousand Dollars and No Cents (\$23,000.00) constitutes monetary damages, and the remaining Three Hundred Twenty-five Thousand Dollars and No Cents (\$325,000.00) constitutes attorneys' fees; 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; and be it

FURTHER RESOLVED: That the sum of Three Hundred Forty-eight Thousand Dollars and No Cents (\$348,000.00) be paid to Paul Rein in Trust for Donna White.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California