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CITY OF OAKLAND



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December 8, 2015

HONORABLE CITY COUNCIL
Oakland, California

**Subject: New Cingular Wireless, et al. v. City of Oakland et al.
Case No. Los Angeles Superior Court No. BC462270
City Attorney File No. X03697, (Revenue)**

President Gibson McElhaney 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 seven hundred twenty-five thousand nine hundred fifty-four dollars and no cents (\$725,954.00), payable to Timothy Raab, ARPC (for Plaintiffs).

This action arises out of a suit related to the remittance of internet-access tax payments to the City of Oakland.

The Council authorized settlement of this case in Closed Session on Tuesday, September 22, 2015 (moved by Councilmember Noel Gallo and seconded by Councilmember Abel Guillen - 7 Ayes, 1 Absent – Councilmember Desley Brooks.

Respectfully submitted,

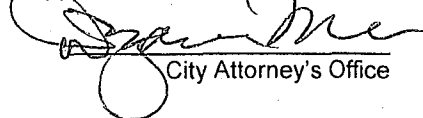
A handwritten signature in black ink, appearing to read "Barbara J. Parker, for".

BARBARA J. PARKER
City Attorney

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Approved as to Form and Legality


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 NEW CINGULAR WIRELESS LLC, ET AL. v. CITY OF OAKLAND, ET AL., LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC462270 CITY ATTORNEY'S FILE NO. X03697, IN THE AMOUNT OF SEVEN HUNDRED TWENTY-FIVE THOUSAND NINE HUNDRED FIFTY-FOUR DOLLARS AND NO CENTS (\$725,954.00) (REVENUE)

WHEREAS, Plaintiffs allege that they are entitled to a refund of internet-access tax payments that were remitted to the City; and

WHEREAS, Plaintiffs filed a lawsuit against the City; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiffs' claims against it for the sum of seven hundred twenty-five thousand nine hundred fifty-four dollars and no cents (\$725,954.00) payable by the City of Oakland; now, therefore, be it

RESOLVED: That the City of Oakland is authorized and directed to compromise and settle the case of New Cingular Wireless LLC, et al. v. City of Oakland, Los Angeles County Superior Court Case No. BC462270, City Attorney's File No. X03697, for a sum not to exceed seven hundred twenty-five thousand nine hundred fifty-four dollars and no cents (\$725,954.00); and be it

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

FURTHER RESOLVED: That the sum of seven hundred twenty-five thousand nine hundred fifty-four dollars and no cents (\$725,954.00) be paid as to Timothy Raab, ARPC (for Plaintiffs).

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY

NOES -
ABSENT -
ABSTENTION -

ATTEST: _____

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