

CITY OF OAKLAND



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December 21, 2021

HONORABLE CITY COUNCIL
Oakland, California

Subject: Francisco Negrete, William Berger, Craig Tanaka, Brandon Hraiz, Josef Phillips, v. City of Oakland; Police Commission of the City of Oakland; DOES 1 - 10, inclusive
Case No. RG20062117
City Attorney File No. X04860-1
(Community Police Review Agency – Administrative Writ of Mandamus)

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 claim for the sum of Forty Thousand Dollars and Zero Cents (\$40,000.00).

This action arises out of a dispute over the City's response to records requests submitted pursuant to the Public Records Act (PRA). On May 21, 2020, Petitioners filed a Petition for Writ of Traditional Mandate pursuant to Code of Civil Procedure section 1085 to seek production of documents from the City in connection with two PRA requests. The City ultimately complied with the PRA requests but withheld two categories of documents based on exemptions, which Petitioners challenged. The matter proceeded to a merits hearing based on the two disputed categories of documents. The court denied the Petition as moot to the extent that the City already produced the responsive documents by the time of the hearing. The court also denied the Petition, to the extent not mooted by production, finding the City's claimed exemptions as to the two outstanding categories of documents justified.

On October 18, 2021, the court entered judgment in favor of the City but found Petitioners to be "the prevailing party [] as the lawsuit provided the catalyst for the production of the documents that rendered the case moot as to those documents." Thereafter, Petitioners' counsel provided an estimate of attorneys' fees incurred prosecuting this action in anticipation of filing a motion for attorneys' fees. This settlement represents a discount on the fees purportedly incurred by Petitioners, avoids an attorneys' fees motion, and fully resolves Petitioners' entitlement to attorneys' fees which is the only outstanding issue in this matter.

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The City Council authorized settlement of this case in Closed Session on Thursday, December 16, 2021 (moved by Councilmember Noel Gallo and seconded by Vice Mayor Rebecca Kaplan - 8 Ayes).

Respectfully submitted,



BARBARA J. PARKER
City Attorney

Assigned Attorney:
Selia Warren

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