

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Barbara J. Smith
City Attorney's Office

2019 SEP 19 PM 2:32

OAKLAND CITY COUNCIL

87871

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF NICOLE PIFARI v. THE CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG16842544, IN THE AMOUNT OF THREE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$350,000.00) AS A RESULT OF ALLEGED EMPLOYMENT DISCRIMINATION (OAKLAND POLICE DEPARTMENT)

WHEREAS, Nicole Pifari was accepted as a lateral recruit with the Oakland Police Department ("OPD") with a conditional job offer. Ms. Pifari subsequently failed to secure medical clearance and OPD withdrew the conditional offer;

WHEREAS, Ms. Pifari alleges that the City of Oakland terminated her because of her alleged disability; and

WHEREAS, Ms. Pifari filed the lawsuit listed above seeking lost wages and benefits, emotional distress damages and attorney's fees; and

WHEREAS, the City of Oakland denies that it has discriminated against Nicole Pifari in any way; and

WHEREAS, the City of Oakland has determined that settlement in this amount without any admission of liability or wrongdoing is consistent with the City's position that the City did not discriminate against Ms. Pifari in any way and is in the best interest of the City; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the above-listed lawsuit for Three Hundred Fifty Thousand Dollars and No Cents (\$350,000.00) to Nicole Pifari and her counsel; and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Nicole Pifari and her counsel; 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

OCT 01 2019

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN — 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Gallo

ATTEST:

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