

FILED
OFFICE OF THE CITY CLERK
OAKLAND

22 MAY -5 PM 5:01

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89183 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DESLEY BROOKS V. CITY OF OAKLAND, BARBARA J. PARKER, OTIS MCGEE, JR., COLIN T. BOWEN, AND DOES 1 – 10, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG19019313, CITY ATTORNEY'S FILE NO. 32974, IN THE AMOUNT OF ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$165,000.00) (OFFICE OF THE CITY ATTORNEY – PROFESSIONAL NEGLIGENCE)

WHEREAS, the City of Oakland defended former Councilmember Desley Brooks in the matter of *Elaine Brown v. City of Oakland and Desley Brooks*, which resulted in an adverse jury verdict in December 2017;

WHEREAS, the City settled the *Elaine Brown lawsuit* in July 2018 and Brooks settled in in July 2019;

WHEREAS, Brooks asserts claims for professional negligence, breach of fiduciary duty, negligent infliction of emotional distress and failure to indemnify per Government Code section 825.2;

WHEREAS, Brooks alleges that: (1) the joint representation of Brooks and the City created a conflict of interest; (2) the City failed to settle the case on favorable terms before the unsuccessful trial; (3) the City Attorney trial team made legal errors during trial; (4) the City failed to advise Brooks that it was entering into post-verdict settlement negotiations; and (5) the City failed to fully indemnify Brooks;

WHEREAS, the City denies any wrongdoing or liability and does not admit any of Plaintiff's allegations; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Desley Brooks v. City of Oakland, Barbara J. Parker, Otis McGee, Jr., Colin T. Bowen, and DOES 1 – 10, Alameda County Superior Court Case No. RG19019313, City Attorney's File No. 32974, for the sum of One Hundred Sixty-Five Thousand Dollars and Zero

Cents (\$165,000.00), payable to Desley Brooks care of the Siegel, Yee, Brunner & Mehta Client Trust Account; 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,

MAY 17 2022

PASSED BY THE FOLLOWING VOTE:

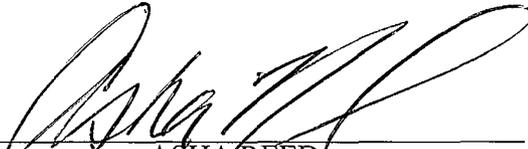
AYES - FIFE, GALLO, ~~XXXXXXXX~~, KAPLAN, REID, ~~XXXXXXXX~~ THAO AND PRESIDENT FORTUNATO BAS **-6**

NOES - **2 Kello and Taylor**

ABSENT - **0**

ABSTENTION - **0**

ATTEST: _____


ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California