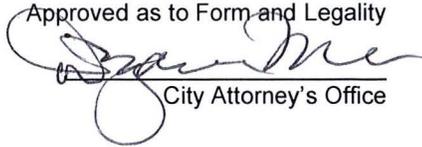


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OFFICE OF THE CITY CLERK
OAKLAND

2015 NOV 24 PM 4:36

Approved as to Form and Legality

City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 85913 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,

DEC - 8 2015

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY - 8

NOES - \emptyset
ABSENT - \emptyset
ABSTENTION - \emptyset

ATTEST:



LATONDA SIMMONS

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