

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

December 6, 2022

HONORABLE CITY COUNCIL
Oakland, California

Subject: City of Oakland v. Raiders, et al.
Los Angeles County Superior Court Case No. 20STCV20676
Court of Appeal of the State of California, Second Appellate District
Case No. B313388
United States District Court Case No. 3:18-CV-07444-JCS
United States Court of Appeals for the Ninth Circuit Case No. 20-16075
United States Supreme Court Case No. 21A438
City Attorney File Nos. CE-04541, CE-04541-1 and CE-04541A
(City Council – Antitrust/Breach of Contract)

Dear Council 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 cases based on Defendants' agreement to waive litigation costs to which they are entitled as prevailing parties in exchange for the City's agreement to terminate the litigation.

The City of Oakland filed a lawsuit in the United States District Court ("District Court") against the National Football League ("NFL") and Thirty-Two NFL clubs related to the Raiders' move from Oakland to Las Vegas. The lawsuit alleged, among other things: (1) violations of the federal antitrust laws and (2) breach of contract.

The District Court granted Defendants' motion to dismiss the antitrust claim and dismissed the breach of contract claim for lack of federal court jurisdiction, leaving open the possibility of refiling the contract claim in state court.

The City appealed the dismissal of the antitrust claim to the Ninth Circuit Court of Appeals ("Ninth Circuit"). The Ninth Circuit affirmed the District Court's order dismissing the City's case and the City sought review in the United States Supreme Court. In October 2022, the Supreme Court denied review of the City's antitrust claim.

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After the District Court dismissed the City's breach of contract claims, the City filed a new lawsuit in Los Angeles County Superior Court. After the state court granted the Defendants' motion to dismiss, the City filed an appeal. The Court of Appeal affirmed the Superior Court's order and dismissed the case.

The City has determined that it is in the City's best interest to end the litigation in exchange for Defendants' agreement to waive litigation costs to which they are entitled as prevailing parties.

The Council authorized settlement of this case in closed session on Thursday, October 20, 2022 (moved by Vice Mayor Rebecca Kaplan and seconded by Councilmember Loren Taylor - 8 Ayes).

Respectfully submitted,



BARBARA J. PARKER
City Attorney

Assigned Attorneys:

Maria Bee

Outside Counsel – Berg & Androphy and Pearson, Simon & Warshaw