

APPROVED AS TO FORM AND LEGALITY

Barbara J. Parker

CITY ATTORNEY'S OFFICE

2024 JUN 20 PM 4:17

OAKLAND CITY COUNCIL

RESOLUTION NO. 90340 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE ADDITIONAL COSTS AND ATTORNEYS' FEES IN THE CASE OF DARWIN BONDGRAHAM AND ALI WINSTON V. CITY OF OAKLAND, OAKLAND POLICE DEPARTMENT AND SUSAN MANHEIMER, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG20071657, CITY ATTORNEY'S FILE NO. X05171, IN THE AMOUNT OF ONE HUNDRED NINETY-NINE THOUSAND DOLLARS AND ZERO CENTS (\$199,000.00) (POLICE DEPARTMENT - PUBLIC RECORDS ACT)

WHEREAS, Petitioners filed a Petition for Writ of Mandate ("Petition") alleging that the City of Oakland and Oakland Police Department violated the Public Records Act, Government Code section 6250 et seq., and Oakland Sunshine Ordinance, Municipal Code sections 2.20.010 et seq., with respect to requests for Oakland Police Department personnel records by failing to timely respond to public records requests for police records, and further alleged that the City and the Oakland Police Department improperly redacted certain information on records that were released pursuant to their requests; and

WHEREAS, the court issued an order, on April 7, 2021 ("April 7, 2021 Order"), and a writ of mandate, on April 13, 2021 ("April 13, 2021 Writ of Mandate"), granting the Petition and commanding the City and Police Department to produce all records responsive to Petitioners' requests within six months; and

WHEREAS, on June 15, 2021 the City Council passed Resolution No. 88700 C.M.S. authorizing and directing the City Attorney to compromise and settle Petitioners' attorneys' fees and costs for services provided up to the date of the court's entry of the April 13, 2021 Writ of Mandate for the sum of \$125,204.50; and

WHEREAS, between April 14, 2021 and October 18, 2022, Petitioners challenged in court the City's production of responsive records, which contained redactions that appeared to be required by the Penal Code, and following extensive communications between the parties and several appearances before the court, the City and Police Department agreed to and were ordered to lift certain redactions; and

WHEREAS, on October 18, 2022 the City Council passed Resolution No. 89447 C.M.S. authorizing and directing the City Attorney to compromise and settle Petitioners' attorneys' fees and costs for services provided after the date of the court's entry of the April 13, 2021 Writ of Mandate and up to October 18, 2022, for the sum of \$105,000.00; and

WHEREAS, the prior settlement preserved Petitioners' pending appeal, *BondGraham v. Superior Court of Alameda*, First District Court of Appeal Case No. A165187, where Petitioners appealed certain rulings by the trial court regarding the City's redactions, and on January 3, 2024, the First District Court of Appeal ruled in favor of the Petitioners and issued a peremptory writ of mandate which commanded the trial court to conduct additional proceedings; and

WHEREAS, following extensive communications between the parties, in an effort to comply with the Court of Appeal's ruling, the City and Police Department have agreed to remove certain redactions and have been permitted to retain others; and

WHEREAS, the City wishes to compromise and settle Petitioners' attorneys' fees and costs for services provided to Petitioners in their pursuit of their appeal in *BondGraham v. Superior Court of Alameda*, First District Court of Appeal Case No. A165187, in the amount of One Hundred Ninety-Nine Thousand Dollars and Zero Cents (\$199,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Darwin BondGraham and Ali Winston v. City of Oakland, Oakland Police Department and Susan Manheimer, Alameda County Superior Court Case No. RG20071657, City Attorney File No. X05171, which includes payment for attorneys' fees and costs in the amount of \$199,00.00 payable to Ferguson Law PC; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 2 2024

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
~~PRESIDENT FORTUNATO BAS~~ - 7

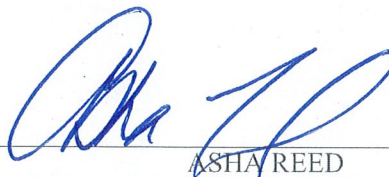
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Bas

ATTEST:



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