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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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May 21, 2019

HONORABLE CITY COUNCIL
Oakland, California

Subject: Susan Jeffries and George Fitzgerald v. City of Oakland, et al.
U.S. District Court Northern District of California
Case No. 18-CV-04498-KAW
City Attorney File No. 32553
(Parks and Recreation – American’s with Disabilities Act Violation)

President Rebecca Kaplan and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Forty Thousand Dollars and No Cents (\$40,000.00) payable to Steven Derby, Esq. on behalf of Susan Jeffries and George Fitzgerald.

This action arises from an incident on August 11, 2017, wherein Plaintiffs Susan Jeffries and George Fitzgerald filed this lawsuit against the City, alleging violations of the American with Disabilities Act (“ADA”). Plaintiffs, who are hearing impaired, allege that they were not provided equal access to programs at the Woodminster Amphitheatre.

The Council authorized settlement of this case in Closed Session on Tuesday, May 7, 2019 (moved by Councilmember Noel Gallo and seconded by Vice Mayor Larry Reid - 7 Ayes, 1 Absent – Councilmember Lynette Gibson McElhaney).

Respectfully submitted,

A handwritten signature in black ink that appears to read 'Barbara J. Parker'.

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Christina Lum

27445591v1

FILED
OFFICE OF THE CITY CLERK
OAKLAND


City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SUSAN JEFFRIES AND GEORGE FITZGERALD v. CITY OF OAKLAND, ET AL, U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, CASE NO. 18-CV-04498-KAW, IN THE AMOUNT OF FORTY THOUSAND DOLLARS AND NO CENTS (\$40,000.00) (PARKS AND RECREATION – AMERICAN’S WITH DISABILITIES ACT VIOLATION)

WHEREAS, This action arises from an incident on August 11, 2017, wherein Plaintiffs Susan Jeffries and George Fitzgerald filed this lawsuit against the City, alleging violations of the American with Disabilities Act (“ADA”). Plaintiffs, who are hearing impaired, allege that they were not provided equal access to programs at the Woodminster Amphitheatre; and

WHEREAS, U.S. District Court, Northern District of California, Case No. 18-CV-04498-KAW was filed against the City of Oakland alleging violations of the American with Disabilities Act (“ADA”); and

WHEREAS, in order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Susan Jeffries and George Fitzgerald v. City of Oakland, Case No. 18-CV-04498-KAW, City Attorney’s File No. 32553, for the sum of Forty Thousand Dollars and No Cents (\$40,000.00); 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
PASSED BY THE FOLLOWING VOTE:

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

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California