

18 OCT 18 PM 1:35

Barbara J. Steinhilber
City Attorney's Office

OAKLAND CITY COUNCIL
RESOLUTION NO. 87390 = C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF THOMAS LIPPMAN V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12657623, CALIFORNIA COURT OF APPEAL CASE NO. A141865, CITY ATTORNEY'S FILE NO. X03868, IN THE AMOUNT OF SIXTY THOUSAND DOLLARS AND ZERO CENTS (\$60,000.00) (OAKLAND PLANNING AND BUILDING DEPARTMENT – BUILDING SERVICES)

WHEREAS, Plaintiff Thomas Lippman alleged that the City's process to hear appeals from building code violations failed to comply with state law; and

WHEREAS, On November 27, 2012, Mr. Lippman filed a petition for writ of mandate in state court seeking injunctive and declaratory relief; and

WHEREAS, On May 22, 2014, Mr. Lippman filed a notice of appeal of the trial court's judgment; and

WHEREAS, the California Court of Appeal determined that state law required the City to change its process to hear appeals from building code citations; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Mr. Lippman's claim for attorney's fees against it for the sum of Sixty Thousand Dollars and Zero Cents (\$60,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the claim for attorney's fees in Thomas Lippman v. City of Oakland, et al., Alameda County Superior Court Case No. RG12657623, California Court of Appeal Case No. A141865, City Attorney's File No. X03868, for a sum not to exceed Sixty Thousand Dollars and Zero Cents (\$60,000.00) payable by the City of Oakland; 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 Sixty Thousand Dollars and Zero Cents (\$60,000.00) be made payable to Pacific Legal Foundation.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **OCT 30 2018**

AYES ~~7~~, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID - 7

NOES - 0
ABSENT - 0
ABSTENTION - 0
Excused - Brooks - 1

ATTEST: *LaTonda Simmons*
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California