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CITY OF OAKLAND



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October 30, 2018

HONORABLE CITY COUNCIL
Oakland, California

Subject: Thomas Lippman v. City of Oakland, et al.
Alameda County Superior Court Case No. RG12657623
California Court of Appeal Case No. A141865
City Attorney File No. X03868
(Planning and Building Department – Building Services)


President Reid 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 claim for the sum of Sixty Thousand Dollars and Zero Cents (\$60,000.00), payable to Petitioner Thomas Lippman's counsel, Pacific Legal Foundation.

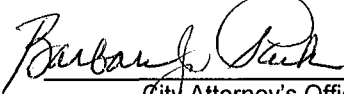
This action arises out of a lawsuit filed by Petitioner Thomas Lippman against the City challenging code enforcement citations and the process by which the City heard those challenges. Ultimately, the Court of Appeal determined that state law required the City to change its process to hear appeals of building code violations and Mr. Lippman asserted a claim for attorney's fees.

The Council authorized settlement of this case in Closed Session on Tuesday, October 16, 2018 (moved by President Reid and seconded by Councilmember Kaplan - 7 Ayes, and 1 Absent (Councilmember Brooks)).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

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City Attorney's Office

OAKLAND CITY COUNCIL
RESOLUTION NO. _____ 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:

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

NOES -
ABSENT -
ABSTENTION -

ATTEST: _____

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