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CITY OF OAKLAND



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October 1, 2019

HONORABLE CITY COUNCIL
Oakland, California

Subject: Nicole Pifari v. City of Oakland
Case No. RG16842544
City Attorney File No. 32507
(Oakland Police Department – Employment Discrimination)

President Kaplan 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 Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00), payable to Plaintiff Nicole Pifari and her counsel.

In September 2014, Ms. Pifari was accepted as a lateral recruit with OPD with a conditional job offer. Ms. Pifari subsequently failed to secure medical clearance and OPD withdrew the conditional offer. Ms. Pifari filed suit on December 15, 2016 seeking damages for lost wages and benefits and emotional distress alleging the City discriminated against her due to disability when it withdrew the conditional offer and failed to provide a reasonable accommodation or engage in other processes required by the California's Fair Employment and Housing Act. She seeks money damages. Without admitting liability and to avoid further litigation and costs, the Council has agreed to settle this matter for \$350,000.00. This settlement will resolve all claims this matter.

The Council authorized settlement of this case in Closed Session on Tuesday, September 17, 2019 (moved by Councilmember Gibson McElhaney and seconded by Councilmember Taylor - 4 Ayes, Fortunato Bas, Gibson McElhaney, Taylor and Thao, 2 Noes, Gallo and Reid, 2 Abstentions – Council President Kaplan and Councilmember Kalb).

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

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Barbara J. Park
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 NICOLE PIFARI v. THE CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG16842544, IN THE AMOUNT OF THREE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$350,000.00) AS A RESULT OF ALLEGED EMPLOYMENT DISCRIMINATION (OAKLAND POLICE DEPARTMENT)

WHEREAS, Nicole Pifari was accepted as a lateral recruit with the Oakland Police Department ("OPD") with a conditional job offer. Ms. Pifari subsequently failed to secure medical clearance and OPD withdrew the conditional offer;

WHEREAS, Ms. Pifari alleges that the City of Oakland terminated her because of her alleged disability; and

WHEREAS, Ms. Pifari filed the lawsuit listed above seeking lost wages and benefits, emotional distress damages and attorney's fees; and

WHEREAS, the City of Oakland denies that it has discriminated against Nicole Pifari in any way; and

WHEREAS, the City of Oakland has determined that settlement in this amount without any admission of liability or wrongdoing is consistent with the City's position that the City did not discriminate against Ms. Pifari in any way and is in the best interest of the City; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the above-listed lawsuit for Three Hundred Fifty Thousand Dollars and No Cents (\$350,000.00) to Nicole Pifari and her counsel; and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Nicole Pifari and her counsel; 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 - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California