


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE LAWSUIT OF MICHAEL CURRAN, NICOLE BROWN-BOOKER, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED V. CITY OF OAKLAND, U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA CASE NO. 23-CV-02354 RS, CITY ATTORNEY FILE NO. 33480, BY (1) ENTERING INTO A CONSENT DECREE FOR A PERIOD OF 25 YEARS PERTAINING TO THE AMERICANS WITH DISABILITIES ACT COMPLIANCE OF THE CITY'S PEDESTRIAN RIGHTS OF WAY, INCLUDING CONSTRUCTION AND REMEDIATION OF CURB RAMPS, AND MAINTENANCE OF SIDEWALKS AND ACCESSIBILITY OF CROSSWALKS; (2) STIPULATING TO CERTIFICATION OF A CLASS OF PERSONS WITH MOBILITY DISABILITIES ALLEGEDLY DENIED FULL AND EQUAL ACCESS TO THE CITY'S PEDESTRIAN RIGHTS OF WAY; (3) PAYMENT OF THIRTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$35,000.00) EACH TO THE NAMED PLAINTIFFS MICHAEL CURRAN AND NICOLE BROWN-BOOKER; AND (4) PAYMENT OF UP TO TWO MILLION EIGHT THOUSAND DOLLARS AND ZERO CENTS (\$2,008,000.00) IN ATTORNEYS' FEES AND COSTS TO PLAINTIFFS' COUNSEL (DEPARTMENT OF TRANSPORTATION – AMERICANS WITH DISABILITIES ACT COMPLIANCE)

WHEREAS, the City of Oakland was sued on May 15, 2023 by Michael Curran and Nicole-Brown Booker, on behalf of a class of persons with mobility disabilities, claiming that they had been denied equal access to the City's pedestrian rights of ways; and

WHEREAS, surveys of curb ramps and sidewalks performed on behalf of the City in 2021-2022 show significant deficiencies in curb ramps and significant damage in sidewalks; and

WHEREAS, the City already performs substantial work to install and remediate curb ramps, and ensure the repair of sidewalks; and

WHEREAS, the City is committed to equal access to the City's programs, services, and activities for persons with disabilities; and

WHEREAS, continued litigation will consume considerable City resources that can be better used for other purposes; and

WHEREAS, the City has considered all of the evidence and litigation risk in this case, and determined that it is in the City's best interest to settle this lawsuit, without admitting liability or wrongdoing and to avoid further litigation; and

WHEREAS, the settlement of this class action is subject to the approval of the court; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Michael Curran, Nicole Brown-Booker, on behalf of themselves and all others similarly situated v. City of Oakland, U.S. District Court, Northern District of California Case No. 23-cv-02354 RS, City Attorney File No. 33480, by:

- (1) entering into a consent decree for a period of 25 years pertaining to the Americans with Disabilities Act compliance of the City's pedestrian rights of way, including construction and remediation of curb ramps, and maintenance of sidewalks and accessibility of crosswalks;
- (2) stipulating to certification of a class of persons with mobility disabilities allegedly denied full and equal access to the City's pedestrian rights of way;
- (3) payment of thirty-five thousand dollars and zero cents (\$35,000.00) each to the named plaintiffs Michael Curran and Nicole Brown-Booker; and
- (4) payment of up to two million eight thousand dollars and zero cents (\$2,008,000.00) in attorneys' fees and costs to Plaintiffs' counsel; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG AND
PRESIDENT JENKINS

NOES -

ABSENT - FIFE

ABSTENTION -

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California