

2024 SEP 30 AM 9:28

Barbara J. Parker

CITY ATTORNEY'S OFFICE

FILED
THE CITY CLERK
OAKLAND



OAKLAND CITY COUNCIL

RESOLUTION NO. 90436 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASES OF HADA GONZALEZ, DAVID MARTINEZ, IRA BRADFORD, TIM DE LA VEGA AND BRANDON KO, INDIVIDUALLY, AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED V. CITY OF OAKLAND AND DOES 1 THROUGH 100, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 23CV031786, CITY ATTORNEY FILE NO. 35903, AND KHALIQ HARRISON, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED V. CITY OF OAKLAND AND DOES 1 THROUGH 100, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 23CV046323, CITY ATTORNEY FILE NO. 36207 ON THE FOLLOWING TERMS:

- (1) THREE YEARS OF THREE-BUREAU CREDIT MONITORING WITH FRAUD INSURANCE TO ALL CLASS MEMBERS;
- (2) UP TO \$350 REIMBURSEMENT FOR ORDINARY OUT-OF-POCKET EXPENSES, AND UP TO \$10,000 FOR EXTRAORDINARY OUT-OF-POCKET EXPENSES, WITH SUPPORTING DOCUMENTATION, TO ALL CLASS MEMBERS;
- (3) UP TO FOUR HOURS AT \$25 PER HOUR FOR LOST TIME, WITH NO DOCUMENTATION REQUIRED, TO ALL CLASS MEMBERS;
- (4) PAYMENT OF \$175 TO ALL PAST AND CURRENT POLICE OFFICERS WHOSE DATA WAS EXFILTRATED, IN RECOGNITION OF THE ADDITIONAL RISKS AND HARMS ASSOCIATED WITH EXPOSURE OF PERSONALLY-IDENTIFIABLE INFORMATION FOR POLICE OFFICERS;
- (5) INCENTIVE PAYMENTS OF \$2,000 TO EACH OF THE FIVE NAMED GONZALEZ PLAINTIFFS AND THE HARRISON PLAINTIFF;
- (6) PAYMENT FOR THE COSTS OF ADMINISTERING THE SETTLEMENT; AND
- (7) PAYMENT OF UP TO \$528,000 IN ATTORNEYS' FEES AND COSTS TO PLAINTIFFS' COUNSEL;

AND TO COMPROMISE AND SETTLE THE CASE OF JESSICA K. BROWN, MONICA CEDILLO CIPRES, LUANA DAWKINS, LEROY JOHNSON, AMADA JUDGE, APRIL MCFARLAND, AMETRIUS SIDNEY, PHYLISS SMITH, JARED WAGNER, TALORIA YOUNG V. CITY OF OAKLAND, AND DOES 1 THROUGH 100 INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 23CV056502, CITY ATTORNEY FILE NO. 36251 FOR THE TOTAL SUM OF EIGHTY THOUSAND DOLLARS AND ZERO CENTS (\$80,000.00) (DEPARTMENT OF INFORMATION TECHNOLOGY – DATA BREACH)

WHEREAS, the City of Oakland suffered a significant ransomware incident on or about February 8, 2023; and

WHEREAS, the threat actors who initiated the ransomware incident exfiltrated various private information of certain past and current City employees and members of the public and later posted this private information to the dark web; and

WHEREAS, the City was sued in two class action lawsuits on behalf of all persons whose data was exfiltrated, and in a third lawsuit on behalf of ten individuals whose data was exfiltrated; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in these cases; and

WHEREAS, the City has determined that it is in the City's best interest to settle these lawsuits without admitting liability or wrongdoing and to avoid further litigation; and

WHEREAS, the settlements are covered by insurance procured through the City's risk-sharing pool; and

WHEREAS, the settlement of the class action lawsuits 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 cases of *Hada Gonzalez, David Martinez, Ira Bradford, Tim de la Vega and Brandon Ko, individually, and on behalf of all others similarly situated v. City of Oakland and DOES 1 through 100, inclusive*, Alameda County Superior Court Case No. 23CV031786, City Attorney File No. 35903, and *Khaliq Harrison, individually and on behalf of all others similarly situated v. City of Oakland and DOES 1 through 100, inclusive*, Alameda County Superior Court Case No. 23CV046323, City Attorney File No. 36207 on the following terms:

- (1) three years of three-bureau credit monitoring with fraud insurance to all class members;
- (2) up to \$350 reimbursement for ordinary out-of-pocket expenses, and up to \$10,000 for extraordinary out-of-pocket expenses, with supporting documentation to all class members;
- (3) up to four hours at \$25 per hour for lost time, with no documentation required to all class members;
- (4) payment of \$175 to all past and current police officers whose data was exfiltrated, in recognition of the additional risks and harms associated with exposure of personally-identifiable information for police officers;
- (5) incentive payments of \$2,000 to each of the five named *Gonzalez* plaintiffs and the *Harrison* plaintiff;
- (6) payment for the costs of administering the settlement; and
- (7) payment of up to \$528,000 in attorneys' fees and costs to Plaintiffs' counsel;

and be it

FURTHER RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Jessica K. Brown, Monica Cedillo Cipres, Luana Dawkins, Leroy Johnson, Amada Judge, April McFarland, Ametrius Sidney, Phyliss Smith, Jared Wagner, Taloria Young v. City of Oakland, and Does 1 through 100 inclusive*, Alameda County Superior Court Case No. 23CV056502, City Attorney File No. 36251 for the total sum of Eighty Thousand Dollars and No Cents (\$80,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **OCT 1 - 2024**

AYES - ~~FIFE~~, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID AND
PRESIDENT FORTUNATO BAS - 7

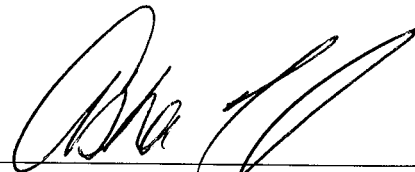
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Fife

ATTEST: _____



ASHA REED

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