

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612
Office of the City Attorney (510) 238-3601
Barbara J. Parker FAX: (510) 238-6500
City Attorney TTY/TDD: (510) 238-3254

May 17, 2022

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Desley Brooks v. City of Oakland, Barbara J. Parker,
Otis McGee, Jr., Colin T. Bowen, and DOES 1 - 10
Alameda County Superior Court Case No. RG19019313
City Attorney's File No. 32974
(Office of the City Attorney – Professional Negligence)**

President Fortunato Bas 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 case for the sum of One Hundred Sixty-Five Thousand Dollars and Zero Cents (\$165,000.00), payable to Desley Brooks care of the Siegel, Yee, Brunner & Mehta Client Trust Account.

This action arises from former Councilmember Desley Brooks' legal malpractice claim against the City, City Attorney, and former members of the City Attorney's Office arising from (1) the City's defense of Brooks in *Elaine Brown v. City of Oakland and Desley Brooks*, which resulted in an adverse jury verdict in December 2017, and (2) final settlements of the *Elaine Brown lawsuit* by the City in July 2018 and Brooks in July 2019.

Brooks asserts claims for professional negligence, breach of fiduciary duty, negligent infliction of emotional distress and failure to indemnify per Government Code section 825.2. Brooks asserted that: (1) the City's joint representation of Brooks and the City created a conflict of interest; (2) the City failed to settle the case on favorable terms before the unsuccessful trial; (3) the City Attorney trial team made legal errors during trial; (4) the City failed to advise Brooks that it was entering into post-verdict settlement negotiations; and (5) the City failed to fully indemnify Brooks.

The City denies any wrongdoing or liability and does not admit any of Plaintiff's allegations.

The Council authorized settlement of this case in Closed Session on Thursday, April 21, 2022 (moved by Councilmember Noel Gallo and seconded by Vice Mayor Rebecca Kaplan - 6 Ayes, 2 Noes – Councilmembers Dan Kalb and Loren Taylor).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorneys:
Merri A. Baldwin of Rogers Joseph O'Donnell, PC
Chief Assistant City Attorney Maria Bee