

CITY OF OAKLAND



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July 26, 2022

HONORABLE CITY COUNCIL
Oakland, California

Subject: Anne Kirkpatrick v. City of Oakland
United States District Court Case No. 3:20-CV-05843
City Attorney File No. 34091
(Mayor and Police Commission – Wrongful Termination)

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 Million Five Hundred Thousand Dollars and Zero Cents (\$1,500,000.00), payable to the Trust Account of Kecker, Van Nest & Peters, LLP on behalf of Anne Kirkpatrick.

This action arises from the termination of former Police Chief Anne Kirkpatrick (“Kirkpatrick”). On February 20, 2020, the Oakland Police Commission voted (7-0) to terminate Kirkpatrick without cause, a decision the Mayor joined. Pursuant to the employment contract, Kirkpatrick was entitled to 12 months of compensation as severance in exchange for executing a standard release. Kirkpatrick rejected the severance and filed a wrongful termination lawsuit alleging that the termination decision was in retaliation for Kirkpatrick’s alleged whistleblowing and protected speech (under the First Amendment).

The case proceeded to trial from May 16-26, 2022. At trial, Kirkpatrick sought over \$3 million in economic damages and additional sums for non-economic (emotional distress) damages. The jury returned a verdict in favor of Kirkpatrick on the whistleblower claim and a verdict in favor of the City on the First Amendment claim. The jury determined that the only damages Kirkpatrick suffered were equivalent to the severance payment Kirkpatrick would have received and the jury accordingly awarded \$337,635 (equivalent to one year of salary).

The \$1,500,000 settlement is comprised of the severance amount (\$337,635), Kirkpatrick’s litigation costs (deposition and trial out-of-pocket expenses) of approximately \$250,000 and a portion of Kirkpatrick’s attorneys’ fees.

The City denies any wrongdoing or liability and does not admit any of Kirkpatrick’s allegations.

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The City Council authorized settlement of this case in Closed Session on Thursday, July, 21, 2022 (moved by Councilmember Noel Gallo and seconded by Councilmember Rebecca Kaplan - 5 Ayes (Bas, Gallo, Taylor, Reed, Kaplan), 1 Abstention (Thao), 2 Excused (Fife, Kalb).

Respectfully submitted,



BARBARA J. PARKER
City Attorney

Assigned Attorneys:

Katharine Van Dusen, Coblenz Patch Duffy & Bass LLP
Chief Assistant City Attorney Maria Bee

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