

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ANNE KIRKPATRICK V. CITY OF OAKLAND, UNITED STATES DISTRICT COURT CASE NO. 3:20-CV-05843 , CITY ATTORNEY'S FILE NO. 34091, IN THE AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$1,500,000.00) (MAYOR AND POLICE COMMISSION – WRONGFUL TERMINATION)**

**WHEREAS**, on February 20, 2020, the Oakland Police Commission voted (7-0) to terminate Kirkpatrick without cause, and the Mayor joined the Commission in terminating Kirkpatrick without cause.

**WHEREAS**, Kirkpatrick's employment contract entitled Kirkpatrick to 12 months of compensation as severance in exchange for executing a standard release of all claims. 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);

**WHEREAS**, 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;

**WHEREAS**, the jury returned a verdict in favor of Kirkpatrick on the whistleblower claim and returned a verdict in favor of the City on the First Amendment claim; and

**WHEREAS**, 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); and

**WHEREAS**, 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; and

**WHEREAS**, the City denies any wrongdoing or liability and does not admit any of Plaintiff's allegations; and

**WHEREAS**, the City has considered all the evidence, litigation costs, and litigation risks in this case; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of *Anne Kirkpatrick v. City of Oakland*, United States District Court Case No. 3:20-CV-05843, City Attorney File No. 34091, for the sum of One Million Five Hundred Thousand Dollars and Zero Cents (\$1,500,000.00), which 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, payable to the Trust Account of Kecker, Van Nest & Peters on behalf of Anne Kirkpatrick; 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 - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT  
FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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