

CITY OF OAKLAND



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August 9, 2022

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Anita Miralle, Jodii Le'Grand Everett, I, Tina Scott, Aiyahnnna Johnson; Irvin Josue Hernandez Ortega; and Ayat Jalal v. City of Oakland; Libby Schaaf; Joe DeVries; Anne Kirkpatrick; and Sabrina Landreth*

United States District Court Case No. C18-06823-HSG
City Attorney File No. X04613
(City Administrator's Office – Civil Rights Violations)

Dear President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests the Council's approval of a resolution authorizing compromise and settlement of the above-entitled lawsuit for the sum of Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00), payable to Siegel, Yee, Brunner, and Mehta Client Trust Account.

This action arises out of allegations that the City of Oakland violated Plaintiffs' constitutional rights when the City closed the homeless encampment where Plaintiffs were living and collected and/or stored and/or destroyed their personal belongings during the encampment closure. Plaintiffs filed an application for temporary restraining order, a request for preliminary injunction, and a complaint in federal court seeking damages and injunctive relief against the City of Oakland, Joe DeVries, Mayor Libby Schaaf, (former) City Administrator Sabrina Landreth, and (former) Oakland Police Chief Anne Kirkpatrick alleging violations of their rights under the First, Fourth, Eighth, and Fourteenth Constitutional Amendments.

The City has determined that it is in the best interests of the City to settle Plaintiffs' claims against the City and individual defendants for \$250,000.00 and other non-monetary relief, including substantive injunctive relief related to the City's Encampment Management Policy ("Policy") which the Oakland City Council passed on October 20, 2020. The injunctive relief includes modifications to the City's notice and property collection procedures, as well as new procedures for closures in inclement weather.

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On February 24, 2022 the City Council unanimously authorized settlement of this case in closed session (moved by Councilmember Kalb, seconded by Councilmember Taylor – passed with 8 Ayes).

Respectfully submitted,



BARBARA J. PARKER
City Attorney

Assigned Attorney:
Jamilah A. Jefferson

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