

CITY OF OAKLAND



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October 18, 2022

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Darwin BondGraham and Ali Winston v. City of Oakland, Oakland Police Department and Susan Manheimer
Alameda County Superior Court Case No. RG20071657
City Attorney File No. X05171
(Police Department – Public Records Act)**

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 attorneys' fees and costs in the above-entitled case for the sum of One Hundred Five Thousand Dollars and No Cents (\$105,000), payable to Ferguson Law PC.

This action arises out of a suit alleging that the City of Oakland and Oakland Police Department violated the California Public Records Act, Government Code section 6250 et seq., and the Oakland Sunshine Ordinance sections 2.20.010 et seq., in failing to promptly produce and redact Oakland Police Department personnel records. The Court entered an order, on April 7, 2021 ("April 7, 2021 Order"), and a writ of mandate, on April 13, 2021 ("April 13, 2021 Writ of Mandate"), granting the Petition and ordering the City and Police Department to produce all responsive records. The Court did not at that time address disputes over redactions, but rather set out a process for addressing disputed redactions in the documents already produced and in documents produced going forward.

On June 15, 2021 the Council passed Resolution 88700 C.M.S. authorizing and directing the City Attorney to compromise and settle Petitioners' attorneys' fees and costs for services provided up to the April 13, 2021 Writ of Mandate for the sum of \$125,204.50. Since then, the parties have engaged in extensive communications and made several appearances before the court pursuant to the redaction-challenge procedure, and ultimately the City and Police Department have agreed to or been ordered to remove certain redactions and have been permitted to retain others.

The Council authorized settlement of attorneys' fees and costs in connection with the redaction challenges in closed session on Thursday, October 6, 2022 (moved by Councilmember Noel Gallo and seconded by Councilmember Loren Taylor - 6 Ayes, 1 No - Councilmember Carrol Fife, 1 Absent – President Pro Tem Sheng Thao).

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorneys:
Cynthia Stein
Michael Quirk
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