

CITY OF OAKLAND



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November 2, 2021

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Scott Morris; Sarah Belle Lin; Brian Krans, Michael Katz, and Oakland Privacy v. City of Oakland; Oakland Police Department; Susan Manheimer, in her official capacity; and Ed Reiskin, in his official capacity*

Alameda County Superior Court Case No. RG20072029
City Attorney File No. X05223
(Oakland 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 the above-captioned case, including attorneys' fees and costs in the sum of One Hundred Twenty Seven Thousand Five Hundred Dollars and No Cents (\$127,500.00), payable to The Meade Firm pc.

This action arises out of a suit alleging that the City of Oakland and Oakland Police Department (OPD) 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 respond to requests for Oakland Police Department public records and to promptly produce records. The City Attorney's Office has determined it is in the best interest of the City to settle the case by agreeing to produce outstanding records within a term of months (6 months for most requests and 15 months for requests for police personnel documents under Senate Bill 1421); to make prompt records determinations in response to future requests; to revise OPD policies on Public Records Act requests and to retrain personnel; and to settle attorneys' fees and costs for \$127,500.00. A requestor who prevails in a Public Records Act suit is entitled to costs and reasonable attorneys' fees, Government Code section 6259(d).

Because this case was filed as a putative class action, the proposed settlement will include a settlement class including all individuals with a pending records request which was submitted after August 19, 2017 and which has been outstanding with the Oakland Police Department for more than 20 days at the time of preliminary settlement approval from the Court.

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The settlement will be submitted to the Court for preliminary approval and, if approved, will proceed through a notice period during which any potential class members may opt out.

The City Council authorized settlement of this case in Closed Session on Thursday, October 7, 2021 (moved by Councilmember Dan Kalb and seconded by Councilmember Rebecca Kaplan - 8 Ayes).

Respectfully submitted,



BARBARA J. PARKER
City Attorney

Assigned Attorney:
Cynthia Stein