

**JULY 21, 2022**

**CLOSED SESSION ACTIONS AND DIRECTION**  
**(WHETHER OR NOT REPORTED OUT)**

Date of Meeting: *Thursday, July 21, 2022*

Litigation Negotiations  
**NAME OF ACTION:**

**Anne Kirkpatrick v. City of Oakland**  
United States District Court Case No. 3:20-CV-05843

This matter is listed as **Item No. 1(d)** on the Closed Session Agenda:

The council authorized settlement in the amount of **\$1,500,000.00**.

This case arose out of incidents occurring on **February 20, 2020**.

**FACTS/ISSUES:**

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. Kirkpatrick’s employment contract entitled Kirkpatrick to 12 months of salary 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).

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 Kirkpatrick’s 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.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Kaplan**

**5 AYES:** ~~Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao~~ and **President Fortunato Bas**

**0 NOES:** ~~Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas~~

**2 ABSENT:** ~~Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas~~

**1 ABSTENTIONS:** ~~Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao~~ and **President Fortunato Bas**