

DECEMBER 8, 2022

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Thursday, December 8, 2022*

Litigation Negotiations

**NAME OF ACTION:**

**Zelda B., a Minor, by and through Brian A. Thomas, as Guardian Ad Litem, Cynthia M., a Minor by and through Racheal D. Colston as Guardian Ad Litem, Brian A. Thomas in his Individual Capacity, Racheal D. Colston, in her Individual Capacity, Phyllis A. Thomas and Charles A. Thomas, Sr., v. City of Oakland, Public Employee-Director Larichea Smith, Oakland Unified School District and DOES 1-10,**

United States District Court Case No.: 4:21-CV-07078-DMR

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

The council authorized settlement in the amount of **\$95,000.00**

This case arose out of incidents occurring on **February 15, 2020**

**FACTS/ISSUES:**

Plaintiffs are six persons in a family who attended a recreational youth basketball league game at the McClymonds High School gymnasium on February 15, 2020 that was staffed by City of Oakland employees. Plaintiffs allege that at the game a City employee used a racial epithet towards them and engaged in assaultive and harassing behavior.

Plaintiffs claim that the City's employee discriminated against them on the basis of race, in violation of the Equal Protection Clause of the U.S. Constitution, and on the basis of disability, in violation of the Americans with Disabilities Act.

At a settlement conference, a magistrate judge made a proposal that the case settle for \$95,000, which Plaintiffs accepted, and the City Council has now also accepted.

Motion Made by: **Vice Mayor Kaplan**

Motion Seconded by: **Councilmember Gallo**

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

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

**ABSENT:** **Fife**, Gallo, Kalb, Kaplan, Reid, Taylor, **Thao** and **President Fortunato Bas**=**3**

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