

JUNE 20, 2024

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, June 20, 2024*

Litigation Negotiations

NAME OF ACTION:

Darwin BondGraham and Ali Winston v. City of Oakland, Oakland Police Department, and Susan Manheimer

Alameda County Superior Court Case No. RG20071657

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

The council authorized settlement in the amount of **\$199,000.00**.

This case arose out of incidents occurring during 2019.

FACTS/ISSUES:

This action arises out of a lawsuit 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, and a Writ of Mandate, on April 13, 2021, requiring the City and Police Department to produce all responsive records. The City previously settled the attorneys' fees and costs for opposing counsel's work up to the entry of the Writ of Mandate.

Following the City's production of responsive records, the journalists challenged redactions that appeared to be required by the Penal Code. In a series of hearings, the trial court sided with the City on many issues, but ordered the City to lift a number of its redactions, and the journalists were considered a "prevailing party" a second time. The City previously settled attorneys' fees and costs for opposing counsel's work between the first settlement and the trial order to lift redactions.

The journalists appealed one of the trial court's orders on the redaction rulings. The journalists prevailed on appeal, and on January 3, 2024, the First District Court of Appeal issued a peremptory writ of mandate which commanded the trial court to conduct additional proceedings to reconsider which portions of the documents qualify for redaction. As the prevailing party on appeal, opposing counsel is entitled to recover their fees and costs on appeal. The Council authorized settlement of attorneys' fees and costs in connection with the appeal in the amount of \$199,000.00.

Motion Made by: **Councilmember Kalb**

Motion Seconded by: **Councilmember Fife**

AYES: **Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas** = 6

NOES: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas =

EXCUSED: Fife, Gallo, **Jenkins, Kalb, Kaplan, Ramachandran,** Reid, and President Fortunato Bas = 2

ABSTENTIONS: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas =