

## **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**ATTENTION: ALL PEOPLE WITH A MOBILITY DISABILITY:** If you have used, tried to use, or think you will use any of the City of Oakland’s sidewalks, crosswalks, or curb ramps, and have had or will have difficulty using them because they were too steep, narrow, sloped, damaged, in need of repair, or otherwise inaccessible to you because of your mobility disability **you may be a member of the proposed settlement class in this lawsuit.** This is a court-authorized notice.

A “mobility disability” means any impairment or medical condition that limits a person’s ability to walk, ambulate, maneuver around objects, or go up or down steps or slopes. A person with a mobility disability may or may not use a wheelchair, scooter, electric personal assisted mobility device, crutches, walker, cane, brace, orthopedic device, or similar equipment or device to help them navigate along a pedestrian walkway, or may be semi-ambulatory.

### **PLEASE READ THIS NOTICE TO LEARN ABOUT YOUR RIGHTS**

#### **NOTICE OF CLASS ACTION**

This notice is to let you know about a proposed settlement in a pending class action lawsuit brought on behalf of persons with mobility disabilities against the City of Oakland (“the City”). The proposed class action settlement is set out in a document called a “Consent Decree.” The Consent Decree, which must be approved by the United States District Court before it goes into effect, was reached in the case entitled *Curran, et al. v. City of Oakland*, Case No. 3:23-cv-02354-RS, pending in the United States District Court for the Northern District of California.

#### **BASIC INFORMATION**

In 2023, a lawsuit was filed by two Oakland residents with mobility disabilities on behalf of themselves and other people with mobility disabilities alleging that the City did not follow federal disability access laws because it failed to install or maintain curb ramps and sidewalks (pedestrian walkways) that were accessible to people with mobility disabilities. The City disputes this and denies that it has violated the law.

This case is a class action. In a lawsuit of this type, one or more “Class Representatives” (in this case Michael Curran and Nicole Brown-Booker), sue for themselves and other class members with similar issues against the City. One court resolves the issues for all class members. United States District Judge Richard Seeborg is in charge of this class action. The Court did not decide in favor of either the Class Representatives or the City. Instead, both sides agreed to a settlement.

#### **THE SETTLEMENT CLASS**

The Settlement Class includes all people (including residents of and/or visitors to the City) with any mobility disability, who, at any time before the court makes a judgment finally approving the Consent Decree or during the term of the Consent Decree, have been denied full and equal access to the City’s pedestrian right of way because curb ramps were missing or because curb

ramps, sidewalks or crosswalks were too steep, too sloped, too narrow, damaged, in need of repair, or otherwise inaccessible or in a condition not suitable or sufficient for use.

## **SUMMARY OF THE PROPOSED CONSENT DECREE**

The City has agreed to changes that will improve curb ramps, sidewalks and crosswalks for people with mobility disabilities. Below is a summary of the settlement. To get a copy of the Consent Decree, see the “Further Information” section below.

### **1. Pedestrian Walkway Fixes and Curb Ramp Installation and Fixes**

In 2021-2022, the City surveyed its pedestrian right of way and found that there are 12,738 sidewalk corners at street crossings that are missing curb ramps or have curb ramps that are not accessible to people with mobility disabilities. The City’s survey also found that there are about 2.075 million square feet of damaged sidewalks in the City’s pedestrian right of way. The proposed Consent Decree requires the City to install or upgrade curb ramps at all 12,738 sidewalk corners by no later than June 30, 2050, on the following schedule: 500 each year from July 1, 2025 to June 30, 2027, 750 each year from July 1, 2027 to June 30, 2029, 925 each year from July 1, 2029 to June 30, 2040, and any remaining curb ramps from July 1, 2040 to June 30, 2050 at a rate of at least 10% of that number of remaining curb ramps per year. The City will also ensure that at least 85,000 square feet of damaged sidewalks are fixed every year so that all known damage to the sidewalks will be made accessible by June 30, 2050. The City has also agreed to inspect and document the accessibility of its curb ramps and sidewalks. The City will also ensure the removal of plants, overgrown areas, and things blocking sidewalks. It will also let property owners know to fix the sidewalks next to their properties.

### **2. New Construction and Alteration Obligations and Inspections**

All work on curb ramps and sidewalks in the City must follow federal and state disability access standards. The City shall make sure that new curb ramps and sidewalks are designed and built to be accessible to people with mobility disabilities. The City will make sure that any newly built or altered curb ramps and sidewalks that do not meet state and federal accessibility standards are fixed. The City is also required to make curb ramps at street crossings accessible when building new streets or sidewalks, when fixing or resurfacing existing streets that have street crossings, or when fixing existing sidewalks next to street crossings. The City will also fix crosswalks when resurfacing City streets.

### **3. Program Access Obligations and Prioritization**

When improving its existing sidewalks and curb ramps, the City will prioritize sidewalks and curb ramps serving the following places: (1) government offices and facilities; (2) transportation corridors; (3) places of public accommodation such as commercial and business zones and places of employment; and (4) other areas. The City will also give priority to equity to ensure that work benefits underserved populations. The City will also prioritize fixing the most dangerous and least accessible curb ramps and sidewalks.

#### **4. Access Request System**

People with mobility disabilities can submit requests to have curb ramp, sidewalk and crosswalk access barriers removed or fixed. The City will review requests within thirty (30) days of when they are made. The City will try its best to finish each request within six months (180 days), but if the removal or fix costs more than \$100,000, or are already scheduled to be fixed as part of another project, the request will be finished within one year.

#### **5. Maintenance and Asset Management Database**

The City will maintain accessible curb ramps, sidewalks and crosswalks and will create a database of information about the accessibility of curb ramps and sidewalks, including slopes, widths and any access barriers in the curb ramps or sidewalks, and the condition of crosswalks next to curb ramps.

#### **6. Monitoring and Reporting**

The City will provide Class Counsel with regular reports about its compliance with the Consent Decree and Class Counsel will inspect the City's work.

### **RELEASE OF CLASS CLAIMS**

All claims for non-monetary relief that could have been brought in this lawsuit related to the accessibility of the City's curb ramps and pedestrian walkways will be released through the end of the Consent Decree's term (at least through June 30, 2050). The settlement does not release or stay any claims for monetary damages that settlement class members may have.

### **PAYMENTS TO CLASS REPRESENTATIVES**

The City has agreed to pay Michael Curran and Nicole Brown-Booker the amount of \$35,000 each for their personal injuries and service to the settlement class. The Court will decide if they should get the \$35,000 and the payments will not come from the money being used to install and fix curb ramps and pedestrian walkways.

### **REASONABLE ATTORNEYS' FEES, COSTS AND EXPENSES**

The settlement class is represented by Dardarian Ho Kan & Lee, Disability Rights Advocates, Peiffer Wolf Carr Kane Conway & Wise, LLP, and Schneider Wallace Cottrell Konecky LLP (who together are "Class Counsel"). Class Counsel will ask the Court to order the City to pay them for their reasonable attorneys' fees, costs and expenses based on the amount of time, costs and expenses Class Counsel have spent on bringing, negotiating, and resolving the case. Class Counsel will ask the Court to award them \$2,008,000 for their attorneys' fees, costs and expenses through the date that the Court enters judgment on the Consent Decree. The City does not oppose that request. The Court will decide how much Class Counsel should be paid. The amount the Court awards will not come from money being used to install and fix curb ramps and pedestrian walkways.

Class Counsel shall also be entitled to be paid for their time and costs spent on monitoring the work that the City does to meet the promises in the Consent Decree. The amount that Class Counsel are paid for that work will not come from money being used to install and fix curb ramps and pedestrian walkways either. The amount that Class Counsel will be paid for that work is a maximum of \$125,000 per year, to be adjusted for annual inflation, for all years of the Consent Decree.

### **THE COURT'S FINAL APPROVAL HEARING**

The Court has preliminarily approved the Consent Decree and has scheduled a hearing for December 4, 2025 at 2:30 p.m. in the Courtroom of the Honorable Richard Seeborg, 450 Golden Gate Avenue, Courtroom 3 (17th floor), San Francisco, CA 94102, to decide whether the settlement is fair, reasonable, and adequate, and should be finally approved, as well as whether to award payments to the Class Representatives and how much to award to Class Counsel in reasonable attorneys' fees, costs and expenses. At the hearing, the Court will consider any objections to the settlement and listen to people who wish to speak. You can attend the hearing, but you aren't required to. If you attend, you can ask the Court for permission to talk about the settlement. You can also hire your own lawyer at your own expense.

This hearing date could change without further notice. If you wish to be informed about any changes to the schedule, you can contact Class Counsel at the addresses listed below. You may also check the date at [www.dhkl.law/OaklandSidewalks](http://www.dhkl.law/OaklandSidewalks). That website will also let you know if the hearing will be on Zoom. You can also check the court records in this case at <https://www.pacer.gov/> for any updates.

### **OBJECTIONS TO THE SETTLEMENT**

If you disagree with the settlement, you can object to it. You must say why you think the Court should not approve the settlement and whether your objection applies to just you, a part of the class, or the entire class. The Court will consider this when it decides whether to approve or reject the settlement. The Court cannot change the settlement. If you object to the settlement, you can, but don't have to, hire a lawyer to help you with it. If the Court denies approval, the City will not be required to make changes to the pedestrian rights of way as set out in the Consent Decree. Instead, the lawsuit will continue.

To object, you must submit your objection in writing by November 18, 2025. If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

All written objections must (a) include the case name and number (*Curran et al. v. City of Oakland*, Case Number 3:23-cv-02354-RS), (b) include your full name, address, phone number and email address (if you have one), (c) state why you think the Consent Decree should not be approved, (d) be submitted to the Court, with a copy to Class Counsel, either by mailing them to the Clerk, United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, or by filing them in person at any location of the United States District Court for the Northern District of California, and (e) be filed or postmarked on or

before November 18, 2025. You may also appear at the hearing on December 4, 2025 at 2:30 p.m. to object to the Consent Decree.

**IF YOU DO NOT TIMELY OBJECT AS DESCRIBED ABOVE, YOU WILL HAVE  
WAIVED YOUR OBJECTION AND BE PREVENTED FROM MAKING ANY  
OBJECTION TO THE CONSENT DECREE.**

**IF YOU DO NOT OPPOSE THIS SETTLEMENT, YOU NEED NOT APPEAR OR FILE  
ANYTHING IN WRITING.**

**FURTHER INFORMATION**

This notice only summarizes the Consent Decree. If you want more details, please see the Consent Decree available at [www.dhkl.law/OaklandSidewalks](http://www.dhkl.law/OaklandSidewalks) or by accessing the Court docket on this case through the Court's Public Access to Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

For more details or a copy of the Consent Decree, you can contact Class Counsel at the following addresses, emails and telephone numbers:

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**Please do not call the Court or the Court Clerk's office to ask about this settlement.**

**To get copies of this Notice in alternative accessible formats, please contact Class Counsel.**