

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the case entitled Sipple, et al. v. The City of Alameda, et al., Los Angeles Superior Court Case No. BC462270 (this matter involves a class action tax refund lawsuit brought by various plaintiffs against numerous public entities for collecting taxes on Internet access charges in violation of federal law), SUBJECT TO THE APPROVAL OF THE MAYOR:

AUTHORIZE the City Attorney to settle the claim of Plaintiff New Cingular Wireless, in the above entitled matter, in the amount of \$7,598,793. Plaintiff has offered to allow the City to pay off the settlement amount by providing credits against future tax remittances by New Cingular Wireless, and the Plaintiff has agreed to waive \$2,400,000 in interest. In addition, any balance of unclaimed funds will be returned to the City.

This matter was recommended for approval by the Budget and Finance Committee (Krekorian – Englander – Koretz – Blumenfield – Bonin “yes”) at its meeting on November 16, 2015.

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
MITCHELL ENGLANDER
Councilmember, 12th District

REW
CF 14-1711
November 16, 2015