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CITY OF OAKLAND



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May 5, 2015

HONORABLE CITY COUNCIL
Oakland, California

Re: **F.R., a Minor, by and through his Guardian Ad Litem, Matthew Raynor v. City of Oakland, et al.**
U.S.D.C. Northern District of California No. 3:14-cv-01876 LB
City Attorney File No. 29754
(Oakland Police Department – Excessive Force)


President Gibson McElhaney and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the total sum of Two Hundred Thirty Thousand Dollars and No Cents (\$230,000.00) payable to the Law Offices of John L. Burris in trust for F.R. Ten Thousand Dollars and No Cents (\$10,000.00) of the total settlement sum shall be allocated and used for services for F.R.

This action arises out of the above-referenced action, in which Plaintiff F.R. was detained and improperly shot by an Oakland Police Department officer on April 3, 2013 in violation of his rights under the United States Constitution.

The Council authorized settlement of this case in Closed Session on Tuesday, April 21, 2015 (moved by Councilmember Rebecca Kaplan and seconded by Councilmember Dan Kalb – 6 Ayes, 2 Absent – Councilmembers Brooks and Reid).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney assigned:
Arlene M. Rosen

7.6

MEETING OF THE
OAKLAND CITY COUNCIL

15 APR 30 PM 3:07

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Approved as to Form and Legality


City Attorney's Office

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF F.R., A MINOR, BY AND THROUGH HIS GUARDIAN AD LITEM, MATTHEW RAYNOR V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA CASE NO. 3:14-CV-01876 LB, CITY ATTORNEY'S FILE NO. 29754 IN THE AMOUNT OF TWO HUNDRED THIRTY THOUSAND DOLLARS (\$230,000.00) (OAKLAND POLICE DEPARTMENT – EXCESSIVE FORCE)

WHEREAS, on the night of April 3, 2013, plaintiff minor F.R., then 16, was detained by OPD officers following a radio report of an armed robbery at 10th and Jefferson Streets and witness identification that he and his companions were suspects; and

WHEREAS, a detaining officer, mistakenly believing F.R. was reaching for a weapon, discharged his firearm, causing injury to F.R.; and

WHEREAS, F.R., a minor, by and through his guardian ad litem, Matthew Raynor, filed United States District Court Case No.C14-01876 LB against the City of Oakland alleging wrongful detention/false arrest, excessive force, and emotional distress; and now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of F.R., a minor, by and through his guardian ad litem, Matthew Raynor, v. City of Oakland, et al., United States District Court Case No.C14-01876 LB, City Attorney's File No. 29754, for the sum of Two Hundred Thirty Thousand Dollars and No Cents (\$230,000.00), with Ten Thousand Dollars and No Cents (\$10,000.00) of said sum to be allocated and used for services for F.R.; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Two Hundred Thirty Thousand Dollars and No Cents (\$230,000.00) be made payable to the Law Offices of John L. Burris in trust for F.R.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California