

OFFICE OF THE CITY ATTORNEY

CITY OF OAKLAND



2006 OCT 19 PM 3:08

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Office of the City Attorney
John A. Russo
City Attorney

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October 31, 2006

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Milton McMath, Dedrick Shavers v. City of Oakland, et al*
United States District Court Case No. C-05-03111 EDL
Our File No. 24423 – Oakland Police Department

Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled matter arising from an incident on May 1, 2004, in which plaintiffs were arrested by Oakland police officers. This matter was presented to council in closed session on September 19, 2006.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of Fifty Thousand Dollars and No Cents (\$50,000.00). The settlement will be paid to Milton McMath, Dedrick Shavers and their attorney of record, John Burris, Esq.

Respectfully submitted,


A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Charles E. Vose

381311

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

Approved as to Form and Legality

Oakland City Attorney's Office

2005 OCT 19 PM 2:44
OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

CEV:cr

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MILTON McMATH AND DEDRICK SHAVERS v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C-05-03111 EDL, OUR FILE NO. 24423 FOR A TOTAL AMOUNT OF \$50,000.00. THIS CASE INVOLVES ALLEGATIONS OF EXCESSIVE FORCE AGAINST PLAINTIFFS BY OAKLAND POLICE OFFICERS (OAKLAND POLICE DEPARTMENT)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Milton McMath and Dedrick Shavers v. City of Oakland, et al., United States District Court Case No. C-05-03111 EDL, City Attorney's File No. 24423, for a sum not to exceed a total amount of Fifty Thousand Dollars and No Cents (\$50,000.00).

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

FURTHER RESOLVED: That the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) be paid to Milton McMath; Dedrick Shavers and John Burris, Esq., their attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

- AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE
- NOES-
- ABSENT-
- ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California