

FILED
OFFICE OF THE CITY CLERK
OAKLAND

10 APR -6 PM 4:41

CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John Russo
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

April 20, 2010

HONORABLE CITY COUNCIL
Oakland, California

Subject: Robert Sumner v. City of Oakland
Alameda County Superior Court No. RG08-367401
City Attorney File No. 25963 (Oakland Police Agency)

President Brunner 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 action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) payable to Plaintiff Robert Sumner and Dennis Cunningham, his attorney.

This action arises from Mr Sumner's arrest during a protest on Franklin Street. Mr. Sumner claimed that excess force was used during the arrest and that he was falsely imprisoned. This matter was approved in closed session on March 16, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John A. Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
JAMES F. HODGKINS

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

OAKLAND CITY COUNCIL

2010 APR -8 PM 3:02

RESOLUTION No. _____ C.M.S.


JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ROBERT SUMNER v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG08-367401, IN THE AMOUNT OF \$15,000.00 AS A RESULT OF ASLLEGATIONS OF USE OF EXCESSIVE FORCE AND FALSE IMPRISONMENT (OAKLAND POLICE AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Robert Sumner v. City of Oakland, City Attorney's File No. 25963, for the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00); and be it

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 Fifteen Thousand Dollars and No Cents (\$15,000.00) be payable to Plaintiff Robert Sumner and Dennis Cunningham, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

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

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