



09 SEP -2 PM 2:15

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City Attorney

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September 22, 2009

HONORABLE CITY COUNCIL
Oakland, California

Subject: Gary King, Jr., et.al. v. City of Oakland, et. al.
United States District Court Case No. C08-02394 SBA
Our File No. 26139

President Brunner and Members of the City Council:

Pursuant to §401 of the Charter and the action of the Council at its July 21, 2009 closed session, the City Attorney has prepared and recommends adoption of a resolution authorizing compromise and settlement of the above-entitled action for the sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00), payable to Haddad and Sherwin Attorney-Client Trust Fund.

This lawsuit arises out of the fatal shooting of Gary King, Jr. on September 20, 2007 by an Oakland Police officer who believed Mr. King was attempting to retrieve a firearm. After the shooting, officers recovered a handgun from Mr. King's pocket. The plaintiffs are the surviving parents and minor child of Mr. King.

This settlement is recommended as a compromise of this matter and to avoid the risk of an adverse jury verdict and exposure to civil damages and attorneys' fees. (Oakland Police Department)

Respectfully submitted,

A handwritten signature in cursive script that reads "John A. Russo".

JOHN A. RUSSO
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

OFFICE OF THE CITY CLERK
OAKLAND

09 SEP -2 PM 3:03

JAR:WES *AWK*

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF GARY KING, JR., ET. AL. V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C08-02394 SBA, OUR FILE NO. 26139, IN THE AMOUNT OF \$1,500,000.00 (POLICE DEPARTMENT)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case Gary King, Jr., et al. v. City of Oakland, et al., United States District Court Case No. C08-02394 SBA, City Attorney's File No. 26139 in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) payable by the City of Oakland.

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 One Million Five Hundred Thousand Dollars (\$1,500,000.00) be paid to Haddad and Sherwin Attorney-Client Trust Fund.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT-

ABSTENTION-

ATTEST:

LATONDA SIMMONS
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA