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CITY OF OAKLAND



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

Office of the City Attorney
John Russo
City Attorney

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July 20, 2010

HONORABLE CITY COUNCIL
Oakland, California

Subject: Jose Buenrostro, Sr., et al. v. City of Oakland et al.
United States District Court Case No. 009-00786-JSW
City Attorney's File No. 26782 (OPD – civil rights violation
and wrongful death)

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 for the sum of Five Hundred Thousand Dollars and No Cents (\$500,000.00) payable to Plaintiffs Jose Buenrostro, Sr. and Maria Buenrostro, and John L. Burris, their attorney.

On March 19, 2008 three Oakland Police Officers fatally shot Plaintiffs' son, Jose Buenrostro, Jr. This action alleging wrongful death and violation of federal civil rights arises out of that shooting. The settlement is recommended to avoid the risk of an adverse trial result and potentially greater economic exposure for the City. This matter was discussed and approved in closed session on July 6, 2010.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
RANDOLPH W. HALL

663532

7-17
ORA / City Council
July 20, 2010

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RWH
Approved as to Form and Legality

OAKLAND CITY COUNCIL

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RESOLUTION No. _____ C.M.S.

RWH

RWH:ssl

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JOSE BUENROSTRO, SR. ET AL. V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. 009-00786-JSW, CITY ATTORNEY'S FILE NO. 26782, IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$500,000.00) AS A RESULT OF A CIVIL RIGHT ACTION ALLEGING WRONGFUL DEATH ACTION (OPD)

WHEREAS, on March 19, 2008 Jose Buenrostro, Jr., was fatally shot by Oakland Police Officers; and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; now, therefore, be it

RESOLVED, that the City Attorney is authorized and directed to compromise and settle the case of Jose Buenrostro, Sr., et al. v. City of Oakland, et al., City Attorney's File No. 26782, for the sum of Five Hundred Thousand Dollars and No Cents (\$500,000.00) made payable to Plaintiffs Jose Buenrostro, Sr. and Maria Buenrostro, and John L. Burris, their attorney; 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 Five Hundred Thousand Dollars and No Cents (\$500,000.00) payable to Plaintiffs Jose Buenrostro, Sr. and Maria Buenrostro, and John L. Burris, their attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

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

ATTEST:

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

7.17
ORA/City Council
July 20, 2010