

16 APR -7 PM 3:05

CITY OF OAKLAND



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City Attorney

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April 19, 2016

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Monique Miles, et al. v. City of Oakland**  
**United States District Court,**  
**Northern District of California Case No. 15-01799**  
City Attorney File No. 29608, (Oakland Police Department – Civil Rights)

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 Twenty-Two Thousand Dollars and No Cents (\$22,000.00), payable to Monique Miles.

This action arises out of a protective sweep of Ms. Miles' home that was conducted during the execution of arrest and search warrants near Ms. Miles' home.

The Council authorized settlement of this case in Closed Session on Tuesday, April 5, 2016 (moved by Councilmember Gallo and seconded by Councilmember Reid, 8 - Ayes).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker". The signature is written in a cursive, flowing style.

BARBARA J. PARKER  
City Attorney

Attorney assigned:  
David Pereda

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City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MONIQUE MILES, ET AL. v. CITY OF OAKLAND, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA COURT CASE NO. 15-01799, CITY ATTORNEY'S FILE NO. 29608, IN THE AMOUNT OF TWENTY-TWO THOUSAND DOLLARS AND NO CENTS (\$22,000.00) (OAKLAND POLICE DEPARTMENT – CIVIL RIGHTS)**

**WHEREAS**, Monique Miles alleges that she incurred damages as a result of a protective sweep involving her property; and

**WHEREAS**, Monique Miles, filed a lawsuit against the City; and

**WHEREAS**, without admitting fault or wrongdoing, the City has determined to compromise and settle Monique Miles' claims against it for the sum of Twenty-Two Thousand Dollars and No Cents (\$22,000.00) payable by the City of Oakland; now, therefore, be it

**RESOLVED:** That the City of Oakland is authorized and directed to compromise and settle the case of Monique Miles, et al. v. City of Oakland, United States District Court, Northern District of California Case No. 15-01799, City Attorney's File No. 29608, for a sum not to exceed Twenty-Two Thousand Dollars and No Cents (\$22,000.00); and be it

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

**FURTHER RESOLVED:** That the sum of Twenty-Two Thousand Dollars and No Cents (\$22,000.00) be paid to Law Offices of Dennis Cunningham & Ben Rosenfeld in trust for Plaintiffs.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, 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