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OFFICE OF THE CITY ATTORNEY
CITY OF OAKLAND



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Office of the City Attorney
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December 7, 2004

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

Subject: Benny Fish vs. City of Oakland, et al.
United States District Court No. C 03-4554 CW
Our File No. 23220 (OAKLAND POLICE DEPARTMENT –
WRONGFUL ARREST AND EXCESS USE OF FORCE)

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 arising out of an alleged wrongful arrest and excess use of force for a total sum of Thirteen Thousand Dollars and No Cents (\$13,000.00), payable to Benny Fish and Erik Babcock, his attorney.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Julia Ten Eyck

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

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OAKLAND

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JTE:dw

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BENNY FISH v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT, NO. C 03-4554 CW, IN THE AMOUNT OF \$13,000.00 AS A RESULT OF A WRONGFUL ARREST AND EXCESS USE OF FORCE ON SEPTEMBER 11, 2002 (OAKLAND POLICE DEPARTMENT)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Benny Fish v. City of Oakland, et al., City Attorney's File No. 23220, for the sum not to exceed the total of Thirteen Thousand Dollars and No Cents (\$13,000.00).

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 Thirteen Thousand Dollars and No Cents (\$13,000.00) be payable to plaintiff Benny Fish and Erik Babcock, Esq., her attorneys of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, MAYNE, NADEL, REID, QUAN, WAN, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California