


APPROVED AS TO FORM AND LEGALITY

OAKLAND CITY COUNCIL

RESOLUTION NO. 84104 C.M.S.

AMR/ah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE FOLLOWING CASES (OAKLAND POLICE DEPARTMENT – UNLAWFUL SEARCH) IN THE AGGREGATE AMOUNT OF FOUR MILLION, SIX HUNDRED THOUSAND DOLLARS AND NO CENTS (\$4,600,000.00):

JAMES TAYLOR AND ROBERT FORBES v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C04-04843 SI; CITY ATTORNEY'S FILE NO. SS26446;

DARNELL FOSTER, RAFAEL DUARTE AND YANCIE YOUNG V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C05-03110 SI; CITY ATTORNEY'S FILE NO. SS02705;

JIMMY RIDER V. CITY OF OAKLAND, ET AL. UNITED STATES DISTRICT COURT NO. C05-03204 SI; CITY ATTORNEY'S FILE NO. SS02719;

TYRONE MOORE AND DEANDRE WASH V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C06-02426SI; CITY ATTORNEY'S FILE NO. SS24386;

JEFFRIE MILLER, RICHARD TILLMAN, JASON CAGLER, JOMAL REED, CURTIS FREEMAN, GLENN LOVELY AND KEVIN BRADLEY V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C07-01773 SI; CITY ATTORNEY'S FILE NO. SS25571;

JOHN SMITH, ROBERT DAVIS, MEHERET ANETENEH, JAMEL PARRISH, YUSEF MORRIS, ELBERT OWENS, RAHEEM HILL AND SHERMAN DUNN V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C07-06298 SI; CITY ATTORNEY'S FILE NO. SS25818;

DAVID WARD, JAMES TYSON, AND TONY ARMSTRONG V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C07-04179 SI; CITY ATTORNEY'S FILE NO. SS25880;

TERRELL TURNER, ROBERT YOUNG, ORLANDO MOORE AND ANTHONY JACKSON V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C08-03114 SI; CITY ATTORNEY'S FILE NO. SS26556;

LAWRENCE COLEY V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C08-04255 SI; CITY ATTORNEY'S FILE NO. SS26767;

RAHSAN KOUNTZ V. CITY OF OAKLAND, ET AL, UNITED STATES DISTRICT COURT NO. C09-05316 SI; CITY ATTORNEY'S FILE NO. SS27508;

COURTNEY BROWN V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04904; CITY ATTORNEY'S FILE NO. SS26767-1;

LARRY NOBLE, JR. V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04906 SI; CITY ATTORNEY'S FILE NO. SS26767-2;

NKUKWE OKOLI V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04907 SI; CITY ATTORNEY'S FILE NO. SS26767-3;

QUINCY SMITH V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04909 SI; CITY ATTORNEY'S FILE NO. SS26767-4;

THOMAS ROMERSON V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04908 SI; CITY ATTORNEY'S FILE NO. SS27508-1;

STEPHEN JOHNSON V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04905; CITY ATTORNEY'S FILE NO. SS27508-2;

B. M., A MINOR, BY AND THROUGH HIS NEXT FRIEND, FELICIA WILLIAMS V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04903 SI; CITY ATTORNEY'S FILE NO. SS27508-3

WHEREAS, the above-named plaintiffs allege that between 2002 and 2009 Oakland Police Department officers conducted unlawful searches of their persons, and said plaintiffs have filed a civil rights and personal injury actions against the City of Oakland and the officers for injuries allegedly sustained during the course of their detention and/or arrest and search; and

WHEREAS, on November 13, 2012, the City Council authorized settlement of these cases in Closed Session (moved by Councilmember Kernighan and seconded by Councilmember Reid, 5 ayes, 1 No - Councilmember De La Fuente, 1 Absent - Councilmember Brunner; 1 abstention - Councilmember Brooks); and

WHEREAS, the City has determined to compromise and collectively settle the claims of the above-named plaintiffs against it and all defendants for the sum of Four Million, Six Hundred Thousand Dollars and No Cents (\$4,600,000.00); and

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the cases of Taylor, et al v. City of Oakland, et al., United States District Court No. C04-04843 SI, City Attorney's File No. SS26446; Foster, et al. v. City of Oakland, et al., United States District Court No. C05-03110 SI, City Attorney's File No. SS-02705; Rider v. City of Oakland, et al., United States District Court No. C05-03240 SI, City Attorney's File No. SS02719; Moore, et al. v. City of Oakland, et al., United

States District Court No. C06-02426SI, City Attorney File No. SS24386; Miller, et al. v. City of Oakland, et al., United States District Court No. C07-01773SI, City Attorney's File No. SS25571; John Smith, et al. v. City of Oakland, et al., United States District Court No. C07-06298 SI, City Attorney's File No. SS25818; Ward v. City of Oakland, et al., United States District Court No. C07-04179 SI, City Attorney's File No. SS25880; Turner, et al. v. City of Oakland, et al., United States District Court No. C08-03114 SI, City Attorney's File No. SS26556; Coley v. City of Oakland, et al., United States District Court No. C08-04255, City Attorney's File No. SS26767; Kountz v. City of Oakland, et al., United States District Court No. C09-05316 SI, City Attorney's File No. SS27508; Brown v. City of Oakland, et al., United States District Court No. C11004904 SI, City Attorney's File No. SS26767-1; Noble v. City of Oakland, et al., United States District Court No. C11004906 SI, City Attorney's File No. SS26767-2; Okoli v. City of Oakland, et al., United States District Court No. C11-04907 SI, City Attorney's File No. SS26767-3; Quincy Smith v. City of Oakland, et al., United States District Court No. C11-04909 SI, City Attorney's File No. SS26767-4; Romerson v. City of Oakland, et al., United States District Court No. C11-04908 SI, City Attorney's File No. SS27508-1; Johnson v. City of Oakland, et al., United States District Court No. C11-04905 SI, City Attorney's File No. SS27508-2; B. M. , a minor, by and through his next friend, Felicia Williams v. City of Oakland, et al., United States District Court No. C11-04903 SI, City Attorney's File No. SS27508-3, in an aggregate sum not to exceed Four Million, Six Hundred Thousand Dollars and No Cents (\$4,600,000.00) made payable to the Law Offices of John L. Burris and Haddad & Sherwin in trust for each of the above-named plaintiffs; and be it

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 Four Million, Six Hundred Thousand Dollars and No Cents (\$4,600,000.00) made payable to the Law Offices of John L. Burris and Haddad & Sherwin in trust for the above-named plaintiffs.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 4 2012, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- KERNIGHAN, NADEL, SCHAAF, KAPLAN and PRESIDENT REID - 5

NOES- DELAFUENTE, *Brooks* - 2

ABSENT- 0

ABSTENTION- 0

Excused- Brunner - 1

ATTEST


LATONDA SIMMONS

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