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CITY OF OAKLAND



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Office of the City Attorney
Barbara J. Parker
City Attorney

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December 18, 2012

HONORABLE CITY COUNCIL
Oakland, California

Subject: John Weston Osborn v. City of Oakland, et al.
Alameda County Superior Court No. RG11587945
Our File No. 28240
(CIVIL RIGHTS – OAKLAND POLICE DEPARTMENT)

President Reid 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 Thirteen Thousand Three Hundred Dollars and No Cents (\$13,300.00) payable to Plaintiff John Weston Osborn and Dennis Cunningham, his attorney.

This action arises out of the plaintiff's arrest for attempted arson on July 8, 2010 during protests following the Mehserle verdict. The settlement is recommended to avoid the expense and liability exposure of trial should the matter not resolve. This matter was heard in closed session on December 18, 2012.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Barbara J. Parker', written in black ink.

BARBARA J. PARKER
City Attorney

Attorney Assigned:
William E. Simmons

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Oakland City Attorney's Office

2012 DEC -6 PM 3:13 OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JOHN WESTON OSBORN v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11587945 IN THE AMOUNT OF \$13,300.00 (CIVIL RIGHTS – OAKLAND POLICE DEPARTMENT)

WHEREAS: Plaintiff John Weston Osborn filed the above-referenced action for recovery of damages allegedly sustained as a result of his arrest by Oakland police on July 8, 2010, and

WHEREAS: The City has determined it is in its best interests to compromise and settle Plaintiff's claims against it for the sum of Thirteen Thousand, Three Hundred Dollars and no Cents (\$13,300.00);

NOW, THEREFORE BE IT RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Osborn v. City of Oakland, et al, Alameda County Superior Court No. RG11587945, City Attorney's File No. 28240, for a sum not to exceed Thirteen Thousand, Three Hundred Dollars and no Cents (\$13,300.00), payable by the City of Oakland; 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 Thirteen Thousand, Three Hundred Dollars and no Cents (\$13,300.00), be paid to Plaintiff John Weston Osborn and Dennis Cunningham, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
LATONDA SIMMONS
CITY CLERK AND CLERK OF THE
COUNCIL OF THE CITY OF OAKLAND