

RWH

OAKLAND CITY COUNCIL

RESOLUTION No. 79036 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 JAN 19 PM 4:04

RWH:ssl

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE CLAIMS OF TWENTY-FOUR (24) OF THE FIFTY-EIGHT (58) PLAINTIFFS IN THE MATTERS OF PORT LOCAL 10 WAREHOUSE AND LONGSHOREMEN ET AL. v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C03-2962 TEH (JL), OUR FILE NO. X01958 AND SRI LOUISE COLES ET AL. V. CITY OF OAKLAND ET AL., UNITED STATES DISTRICT COURT CASE NO. C03-2961 TEH, OUR FILE NO. 23333, FOR A SUM NOT TO EXCEED A TOTAL OF ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$145,000.00). ONE CHECK IN THE AMOUNT OF SEVENTY THOUSAND DOLLARS AND NO CENTS (\$70,000.00) AS PAYMENT IN FULL FOR THE FOURTEEN (14) PLAINTIFFS SETTLING FOR \$5,000.00 EACH AND A SECOND CHECK IN THE AMOUNT OF SEVENTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00) AS PAYMENT IN FULL FOR THE TEN (10) PLAINTIFFS SETTLING FOR \$7,500.00 EACH. THESE MATTERS ARISE FROM THE APRIL 7, 2003 PORT OF OAKLAND POLICE ACTION (EXCESSIVE FORCE/CIVIL RIGHTS VIOLATION)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle claims of twenty-four (24) of the fifty-eight (58) plaintiffs in the matters of Port Local 10 Warehouse and Longshoremen et al. v. City of Oakland, et al., United States District Court Case No. C03-2962 TEH(JL) and Sri Louise Coles et al. v. City of Oakland et al., United States District Court Case No. C03-2961 TEH, for a sum not to exceed a total of One Hundred Forty-Five Thousand Dollars and No Cents (\$145,000.00). One check in the amount of Seventy Thousand Dollars and No Cents (\$70,000.00) as payment in full for the fourteen (14) plaintiffs settling for \$5,000.00 each and a second check in the amount of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) as payment in full for the ten (10) plaintiffs settling for \$7,500.00 each. The two checks are to be made payable by the City of Oakland to James B. Chanin, Trustee.

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 two checks: one check in the amount of Seventy Thousand Dollars and No Cents (\$70,000.00) as payment in full for the fourteen (14) plaintiffs settling for \$5,000.00 each and a second check in the amount of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) as payment in full for the ten (10) plaintiffs settling for \$7,500.00 each, are to be made payable by the City of Oakland to James B. Chanin, Trustee.

FEB 1 2005

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, ~~REID~~, AND PRESIDENT DE LA FUENTE - 6
DISTRICT 2 - VACANT

NOES- 0

ABSENT- 0

ABSTENTION- 0

EXCUSED - REID - 1

ATTEST: Latonda Simmons
LATONDA SIMMONS
Interim City Clerk and Clerk of the Council
of the City of Oakland, California