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CITY OF OAKLAND



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November 9, 2010

HONORABLE CITY COUNCIL
Oakland, California

Subject: Jose Buenrostro, Sr., et al. v. City of Oakland et al.
United States District Court Case No. 009-00786-JSW
City Attorney's File No. 26782
(OPD – civil rights violation and wrongful death)

President Brunner 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 Five Hundred Thousand Dollars and No Cents (\$500,000.00) payable to Plaintiffs Jose Buenrostro, Sr. and Maria Buenrostro, and John L. Burris, their attorney.

On March 19, 2008 three Oakland Police Officers fatally shot Plaintiffs' son, Jose Buenrostro, Jr. This action alleging wrongful death and violation of federal civil rights arises out of that shooting. The settlement is recommended to avoid the risk of an adverse trial result and potentially greater economic exposure for the City. This matter was discussed in the July 6, 2010 and the September 21, 2010 closed sessions; and was approved at the October 19, 2010 closed session.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned:
RANDOLPH W. HALL