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CITY OF OAKLAND



13 JUN -6 PM 4:24

ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara Parker
City Attorney

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June 18, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Nellie Jones, et al. v. City of Oakland, et al.
United States District Court Case No. C11-03470 YGR
City Attorney File No. 28275
(Oakland Police Department – Civil Rights/Wrongful Death)

President Kernighan 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 Two Hundred Twenty Five Thousand Dollars and No Cents (\$225,000.00), payable to plaintiff Nellie Jones, Frank Jones and Camelia Menciu as the Guardian Ad Litem for DSJ and their attorney of record; Law Offices of John L. Burris.

This action arises out of the fatal shooting by Oakland Police officers of the plaintiffs' decedent on November 8, 2010. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict.

This matter was heard in closed session on Tuesday, February 19, 2013. The Council authorized settlement in the amount of \$225,000.00 (moved by Councilmember ("CM") Gallo, seconded by CM Schaaf, 7 ayes, 1 abstention – CM Brooks).

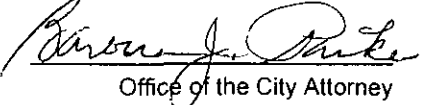
Respectfully submitted,


BARBARA PARKER
City Attorney

Attorney assigned:
William E. Simmons

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Approved as to Form and Legality


Office of the City Attorney

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RESOLUTION No. _____ C.M.S.

WES:csc

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF NELLIE JONES, ET AL. v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C11-03470 YGR, CITY ATTORNEY'S FILE NO. 28275, IN THE AMOUNT OF TWO HUNDRED TWENTY FIVE THOUSAND DOLLARS AND NO CENTS (\$225,000.00) (OAKLAND POLICE DEPARTMENT – CIVIL RIGHTS/WRONGFUL DEATH)

WHEREAS, on November 8, 2010, Plaintiffs' decedent was fatally shot by Oakland Police officers, and

WHEREAS, the Plaintiffs filed the above entitled lawsuit seeking damages for said injuries, and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of Nellie Jones, et al. v. City of Oakland, et al., United States District Court Case No. C11-03470 City Attorney File No. 28275, for the sum of Two Hundred Twenty Five Thousand Dollars and No Cents (\$225,000.00) payable to plaintiff Nellie Jones, Frank Jones and Camelia Menciuc as the Guardian Ad Litem for DSJ and their attorney of record; Law Offices of John L. Burris.

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 Dollars and No Cents (\$225,000.00) be made payable to plaintiff Nellie Jones, Frank Jones and Camelia Menciuc as the Guardian Ad Litem for DSJ and their attorney of record; Law Offices of John L. Burris.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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