

CITY OF OAKLAND



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Office of the City Attorney  
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City Attorney

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October 5, 2004

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Fredrick Pruitt v. City of Oakland, et al**  
**United States District Court Case No. C-03-3299 MJJ**  
**Our File No. 22984 – Oakland Police Department**  
**(Police Conduct)**

Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled matter arising from alleged civil rights violations during the arrest of the plaintiff for a total sum of Fifty-Two Thousand Five Hundred Dollars and No Cents (\$52,500.00), to be made payable to Fredrick Pruitt and David Helbraun, Esq., his attorney.

Plaintiff alleges excess force was used in the course of his arrest on June 5, 2004. Mr. Pruitt claims that the officer squeezed his testicles and slammed him against a patrol car. The settlement is recommended to avoid the risk of an adverse verdict at trial and the additional exposure for attorney's fees should that occur. This case was discussed in closed session September 21, 2004.

Respectfully submitted,

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Maria Bee  
330305

10-4cc

OAK COUNCIL

OCT 05 2004

OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.



MXB/kj

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF FREDRICK PRUITT v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C-03-3299 MJJ, OUR FILE NO. 22984, IN THE AMOUNT OF \$52,500.00. THIS CASE INVOLVES CLAIMS OF VIOLATIONS OF CIVIL RIGHTS AGAINST OAKLAND POLICE OFFICERS. (OAKLAND POLICE DEPARTMENT – POLICE CONDUCT)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Fredrick Pruitt v. City of Oakland, et al., United States District Court Case No. C03 3299 MJJ, City Attorney's File No. 22984, for a sum not to exceed a total of Fifty-Two Thousand Five Hundred Dollars and No Cents (\$52,500.00) payable by the City of Oakland to Fredrick Pruitt and David Helbraun, Esq., his attorney.

**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 Fifty-Two Thousand Five Hundred Dollars and No Cents (\$52,500.00) be paid to Fredrick Pruitt and David Helbraun, Esq., his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

330306

10.4cc

**ORA/COUNCIL**

OCT 05 2004