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CITY OF OAKLAND



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November 1, 2011

HONORABLE CITY COUNCIL
Oakland, California

President Reid and Members of the City Council:

Subject: The Estate of Jerry A. Amaro III and Geraldine Montoya-v. City of Oakland, et al.
United States District Court Case No. C-09-01019 WHA
Our Matter No. 20784 (Police Department)

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 One Million Seven Hundred Thousand Dollars (\$1,700,000), payable to the James B. Chanin Trust Account.

This action arises out of the alleged wrongful death of Jerry Amaro following his arrest for narcotics purchase by Oakland Police officers on March 23, 2000. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This matter was heard in closed session on October 4, 2011 and October 18, 2011.

Respectfully submitted,


BARBARA PARKER
City Attorney

Attorney assigned:
Randolph W. Hall
William E. Simmons

Doc. No.: 878171

11 OCT 19 PM 3:37 **OAKLAND CITY COUNCIL**

RESOLUTION NO. _____ C.M.S.

WES: csa

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF THE ESTATE OF JERRY A. AMARO HI AND GERALDINE MONTOYA V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C-09-01019 WHA, CITY ATTORNEY'S FILE NO. 20784, IN THE AMOUNT OF ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$1,700,000). (POLICE DEPARTMENT) – EXCESSIVE FORCE/WRONGFUL DEATH

WHEREAS, the Plaintiffs have filed a lawsuit alleging wrongful death arising out of the arrest of Jerry Amaro by Oakland Police officers on March 23, 2000, 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; and now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of The Estate of Jerry A. Amaro III and Geraldine Montoya v. City of Oakland, et al., United States District Court Case No. C-09-01019 WHA, City Attorney File No. 20784, for the sum of One Million, Seven Hundred Thousand Dollars (\$1,700,000), payable to the James B. Chanin Trust Account; 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 One Million, Seven Hundred Thousand Dollars (\$1,700,000) be made payable to the James B. Chanin Trust Account.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the
Council of the City of Oakland, California