

14 APR 24 PM 2:00

CITY OF OAKLAND



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May 6, 2014

HONORABLE CITY COUNCIL
Oakland, California

Subject: Scott Olsen v. City of Oakland
Case No. United States District Court Case No., C12-6333 SI
City Attorney File No. 28910, (Oakland Police Department)


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 claim for the sum of Four Million Five Hundred Thousand Dollars and No Cents (\$4,500,000), payable to Scott Olsen and his attorney, James B. Chanin.

This action arises out of injuries sustained by Scott Olsen incident to crowd control activities by the Oakland Police Department incident to an Occupy Oakland protest.

The Council authorized settlement of this case in Closed Session on Tuesday, April 22, 2014, moved by Councilmember Larry Reid and seconded by Councilmember Dan Kalb - 6 Ayes, 2 Absent (Councilmembers Desley Brooks and Rebecca Kaplan).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
James Hodgkins

FILED
OFFICE OF THE CITY CLERK
OAKLAND

14 APR 24 PM 2:00

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SCOTT OLSEN V. CITY OF OAKLAND, ET AL. UNITED STATES DISTRICT COURT CASE NO. C12-06333-SI IN THE AMOUNT OF \$4,500,000.00 AS A RESULT OF INJURIES SUSTAINED DURING CROWD CONTROL EFFORTS DURING AN OCCUPY EVENT ON OCTOBER 25, 2011

WHEREAS: Scott Olsen alleges that on October 25, 2011 he sustained injuries during crowd control efforts by the Oakland Police Department incident to an Occupy Oakland protest; and

WHEREAS, Scott Olsen sustained injuries as a result of the crowd control efforts by the Oakland Police Department during the Occupy Oakland Protest that required medical care and will require medical care in the future; and

WHEREAS, the City of Oakland will pay a portion of the settlement proceeds with the remainder to be paid by the City of Oakland's insurer; and

WHEREAS, in order to avoid the risk of an adverse jury verdict under the circumstances; 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, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Scott Olsen v. City of Oakland, et al City Attorney's File No. 28910, for the sum of Four Million Five Hundred Thousand Thousand Dollars and No Cents (\$4,500,000.00); 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 Four Million Five Hundred Thousand Dollars and No Cents (\$4,500,000.00) be payable to Scott Olsen and James B. Chanin, his attorney.

COUNCIL, OAKLAND, CALIFORNIA,

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