

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2016 SEP 22 PM 6:12

CITY OF OAKLAND



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

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

October 4, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: Allene Hutchinson, et al. v. City of Oakland
15-CV-05011/16-CV-01669
City Attorney File No. 30189
(Oakland Police Department – Wrongful Death)

President Gibson McElhaney 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 One Million Two Hundred Thousand Dollars and No Cents (\$1,200,000.00), payable to Plaintiffs Allene Hutchinson, et al.

This action arises out of the unfortunate death of Demouria Hogg while Oakland Police officers were attempting to detain him.

The Council authorized settlement of this case in Closed Session on Tuesday, September 18, 2016 (moved by Councilmember Reid and seconded by Councilmember Kaplan – 6 Ayes, 1 No - Brooks).

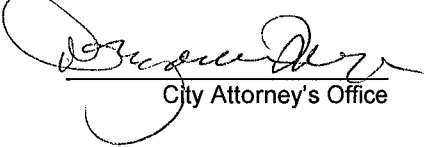
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney assigned:
David Pereda

2016 SEP 22 PM 6:12



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 ALLENE HUTCHINSON, ET AL. v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA CASE NO. 15-CV-05011/16-CV-01669, CITY ATTORNEY'S FILE NO. 30189, IN THE AMOUNT OF ONE MILLION TWO HUNDRED THOUSAND DOLLARDS AND NO CENTS (\$1,200,000.00) (OAKLAND POLICE DEPARTMENT — WRONGFUL DEATH)

WHEREAS, Plaintiffs Allene Hutchinson, et al. allege that they incurred damages as a result of the unfortunate death of Demouria Hogg while Oakland Police officers were attempting to detain Mr. Hogg; and

WHEREAS, Plaintiffs filed a wrongful death lawsuit against the City; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiffs' claims against it for the sum of One Million Two Hundred Thousand Dollars and No Cents (\$1,200,000) payable by the City of Oakland; now, therefore, be it

RESOLVED: That the City of Oakland is authorized and directed to compromise and settle the case of Allene Hutchinson, et al. v. City of Oakland, United States District Court, Northern District of California Case No. 15-cv-05011/16-cv-01669, City Attorney's File No. 30189, for a sum not to exceed One Million Two Hundred Thousand Dollars and No Cents (\$1,200,000.00) payable by the City of Oakland; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES -

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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