

CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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May 2, 2006

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Randy Murphy v. City of Oakland, et al*
United States District Court Case No. C04-3062 TEH
Our File No. 24026 – Office of Police Services
Excessive Force – False Arrest

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

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution and recommends consideration of a proposed settlement of the above-entitled matter arising from an incident on October 23, 2003, in which plaintiff was injured during an altercation with OPD Officer M. McGiffert near 30th and Union Streets.

Due to the risk of an adverse jury verdict under the circumstances, the settlement to be considered is in the amount of One Million Five Hundred Thousand Dollars and No Cents (\$1,500,000), to be made payable to Randy Murphy and James B. Chanin, Esq. and John L. Burris, Esq., his attorneys. This matter was approved by Council on April 4, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Peter Hallifax

364614

OFFICE OF THE CITY CLERK
OAKLAND

2006 APR 20 AM 10: 04

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

PH:aah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF RANDY MURPHY v. CITY OF OAKLAND, UNITED STATES DISTRICT COURT CASE NO. C04-3062 TEH, OUR FILE NO. 24026 IN THE AMOUNT OF \$1,500,000.00 . THIS CASE INVOLVES AN ALLEGED USE OF EXCESSIVE FORCE AND FALSE ARREST NEAR 30TH AND UNION STREETS. (POLICE SERVICES AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Randy Murphy v. City of Oakland, United States District Court Case No. C04-3062 TEH, City Attorney's File No. 24026, for a sum not to exceed a total amount of One Million Five Hundred Thousand Dollars and No Cents (\$1,500,000.00) payable to Randy Murphy and James B. Chanin, Esq. and John L. Burris, Esq., his attorneys.

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 Five Hundred Thousand Dollars and No Cents (\$1,500,000.00) be paid to Randy Murphy and James B. Chanin, Esq., his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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