

OAKLAND CITY COUNCIL

11 JUN -8 AM 10: 53

RESOLUTION NO. 83406 C.M.S.

RWH: ssl

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF VICTOR JONES AND NOVENDER FLEMING v. CITY OF OAKLAND, UNITED STATES DISTRICT COURT CASE NOS. 09-CV-4757-BZ AND 09-CV-01613-BZ, CITY ATTORNEY'S FILE NOS. 27053 AND 26944, IN THE AMOUNT OF THREE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$350,000.00) (OPD)

WHEREAS, on September 3, 2008, Oakland Police Officers executed a search warrant at premises occupied by Plaintiffs Victor Jones and Novender Fleming; and

WHEREAS, Plaintiffs Victor Jones and Novender Fleming allege that they were injured in their persons by the actions of Oakland Police Officers conducting the search of their premises; and

WHEREAS, in November 2010, a federal jury determined that Oakland Police Officers violated the civil rights of Plaintiffs Victor Jones and Novender Fleming and awarded money damages to plaintiffs; and

WHEREAS, the award of money damages entitles plaintiffs to an award of reasonable attorney fees; and

WHEREAS, the Office of City Attorney has negotiated settlement of attorney fees with plaintiffs' attorneys; and

WHEREAS, settlement of attorney fees resolves all remaining issues in this lawsuit; and

WHEREAS, the Office of City Attorney recommends that it is in the City of Oakland interest to settle this lawsuit; 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, the City of Oakland finds, determines, declares and

RESOLVES, that all the recitals above set forth are true and correct, and the City of Oakland so finds and determines; and be it

FURTHER RESOLVED, that the City Attorney is authorized and directed to settle the attorney fees incurred by Plaintiffs Victor Jones and Novender Fleming in the case of Victor Jones and Novender Fleming v. City of Oakland et al., United States District Court Case Nos. 09-CV-4757-BZ and 09-CV-01613-BZ, City Attorney File Nos. 27053 and 26944, for the total sum of Three Hundred Fifty Thousand Dollars and No Cents (\$350,000.00) payable as follows: the amount of Ninety Thousand and No Dollars (\$90,000.00) to Premier Law Group; the amount of Sixty Thousand Dollars and No Cents (\$60,000.00) to Wayne Johnson and Darryl Parker; and the amount of Two Hundred Thousand Dollars and No Cents (\$200,000.00) to MetLife Tower Resources Group, Inc.; and be it

FURTHER RESOLVED, that the City of Oakland authorizes and directs the City Attorney, for and on behalf of the City of Oakland, to do all things and take any and all actions and execute and deliver any and all agreements, and the documents which may be deemed necessary or advisable in order to effectuate the purposes of this resolution.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 21 2011, 2011

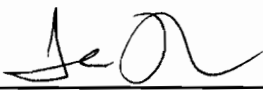
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, and
PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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