



2013 NOV -7 PM 6:13

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City Attorney

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November 19, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Kazeem Upshaw v. City of Oakland, et al.
Northern District of California Case No. C11-05044
City Attorney File No. 28421
(OPD – CIVIL RIGHTS)

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 Sixty-Five Thousand Dollars and no Cents (\$65,000.00), payable to Kazeem Upshaw and the Law Offices of John L. Burris, his attorneys.

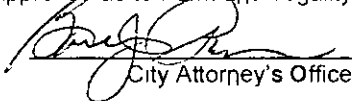
This action arises out of the above-referenced action, in which Plaintiff Kazeem Upshaw alleges that he sustained injuries as a result of police officers using excessive force against him during an altercation in the early hours of October 16, 2010, and that he was thereafter wrongfully arrested.

The Council authorized settlement of this case in Closed Session on Tuesday, November 5, 2013 (moved by Councilmember Gallo and seconded by Councilmember Gibson McElhaney - 8 ayes, 0 Noes).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker'.
BARBARA J. PARKER
City Attorney

Attorney assigned:
Wendy M. Garbers


City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

WMG:dw

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF KAZEEM UPSHAW V. CITY OF OAKLAND, ET AL., NORTHERN DISTRICT OF CALIFORNIA CASE NO. C11-05044, CITY ATTORNEY'S FILE NO. 28421, IN THE AMOUNT OF SIXTY-FIVE THOUSAND DOLLARS (\$65,000.00) (OPD – CIVIL RIGHTS)

WHEREAS, Plaintiff Kazeem Upshaw alleges that he sustained injuries as a result of police officers using excessive force against him during an altercation on October 16, 2010, and that he was thereafter wrongfully arrested; and

WHEREAS, Plaintiff Kazeem Upshaw filed the above referenced action to recover monetary damages for his injuries; and

WHEREAS, The City has determined to compromise and settle Plaintiff Kazeem Upshaw's claim against it for the sum of **Sixty-Five Thousand Dollars and No Cents (\$65,000.00)**; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Kazeem Upshaw v. City of Oakland, et al., Northern District of California Case No. C11-05044, City Attorney's File No. 28421, for a sum not to exceed **Sixty-Five Thousand Dollars and No Cents (\$65,000.00)** payable by the City of Oakland; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of **Sixty-Five Thousand Dollars and No Cents (\$65,000.00)** be paid to Kazeem Upshaw and the Law Offices of John L. Burris, his attorneys.

IN 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