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CITY OF OAKLAND



08 JUN -4 PM 3: 35

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

Office of the City Attorney  
John A. Russo  
City Attorney

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

June 17, 2008

**HONORABLE CITY COUNCIL**  
Oakland, California

**Re: Caldwell, et al. v. City of Oakland, et. al.**  
**United States District Court #0607322 MHP**  
**Our File No.: 25256**

President De La Fuente and Members of the City Council:

Pursuant to §401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action in the amounts of Four Hundred Eighty Seven Thousand Five Hundred Dollars (\$487,500) to resolve the claim of William Caldwell and Four Hundred Eighty Seven Thousand Five Hundred Dollars (\$487,500) to resolve the claim of Leona Savoy, payable by single check in the amount of Nine Hundred Seventy-Five Thousand Dollars (\$975,000) to the Law Offices of John L. Burris in trust for William Caldwell and Leona Savoy

The plaintiffs were unintentionally struck and seriously injured by bullets fired by Oakland police officers who were attempting to apprehend an armed and shooting suspect in front of the carwash at 106<sup>th</sup> Avenue and MacArthur Boulevard on March 11, 2006.

The settlement is within the authority extended by the City Council during the May 6, 2008 closed session.

Respectfully submitted,

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

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Stephen Q. Rowell

OAKLAND CITY COUNCIL

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RESOLUTION No. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF WILLIAM CALDWELL, ET AL. V. THE CITY OF OAKLAND, ET AL., U.S. DISTRICT COURT ACTION NO. C 06-07322 MHP, OUR FILE NO. 25256, IN THE AMOUNT OF \$975,000.00. THIS CASE INVOLVES ALLEGED USE OF EXCESS POLICE FORCE AND NEGLIGENCE (PSA)**

**WHEREAS:** William Caldwell and Leona Savoy claim to have sustained personal injuries as the result of excess police force and negligence;

**WHEREAS:** Settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict.

**RESOLVED:** That the City Attorney is authorized and directed to settle the case of William Caldwell, et al. v. The City of Oakland, et al., United States District Court Action No. C 06-07322 MHP, in the amounts of Four Hundred Eighty Seven Thousand Five Hundred Dollars (\$487,500) to resolve the claim of William Caldwell and Four Hundred Eighty Seven Thousand Five Hundred Dollars (\$487,500) to resolve the claim of Leona Savoy, payable by single check in the amount of Nine Hundred Seventy-Five Thousand Dollars (\$975,000) to the Law Offices of John L. Burris in trust for William Caldwell and Leona Savoy.

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

**FURTHER RESOLVED:** That William Caldwell and Leona Savoy each be paid the sum of Four Hundred Eight Seven Thousand Five Hundred Dollars (\$487,500), payable in a single check in the amount of Nine Hundred Seventy-Five Thousand Dollars (\$975,000) to the Law Offices of John L Burris in trust for William Caldwell and Leona Savoy.

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