

CITY OF OAKLAND



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December 21, 2004

**HONORABLE CITY COUNCIL**  
Oakland, California


**Subject: *Michael Cole v. City of Oakland, et al***  
**Alameda County Superior Court Case No. RG03-088688**  
**Our File No. 22721 – Oakland Police Department –**  
**Police Conduct/Civil Rights Violation/Excessive Force**

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

Pursuant to Section 401 of the Charter, the City Attorney recommends settlement of the above-entitled matter arising from an incident on May 7, 2002, in which plaintiff was injured while resisting arrest by OPD officers.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of Twenty-Two Thousand Five Hundred Dollars (\$22,500), to be made payable to Michael Cole and Ian Kelley, Esq., his attorney. This matter was previously passed by the City Council at the closed session of December 7, 2004.

Respectfully submitted,

  
JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Peter Hallifax  
331994

OAKLAND CITY COUNCIL

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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

2004 DEC -8 PM 4:21

PH/aah

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MICHAEL COLE v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG03-088688, OUR FILE NO. 22721, IN THE AMOUNT OF \$22,500.00. THIS CASE INVOLVES ALLEGATIONS OF EXCESSIVE FORCE AGAINST OAKLAND POLICE OFFICERS.  
(OAKLAND POLICE DEPARTMENT)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Michael Cole v. City of Oakland, et al., Alameda County Superior Court Case No. RG03-088688, City Attorney's File No. 22721, for a sum not to exceed a total of Twenty-Two Thousand Five Hundred Dollars and No Cents (\$22,500.00) payable by the City of Oakland to Michael Cole and Ian Kelley, Esq., his attorney of record.

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

**FURTHER RESOLVED:** That the sum of Twenty-Two Thousand Five Hundred Dollars and No Cents (\$22,500.00) be paid to Michael Cole and Ian Kelley, Esq., his attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California