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Office of the City Attorney
John A. Russo
City Attorney

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June 1, 2004

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Ronald McGowan v. City of Oakland, et al*
United States District Court Case No. C 03 2486 SI
Our File No. 22953 – Oakland Police Department –
Police Conduct/Civil Rights Violation

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

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends adoption of a resolution authorizing settlement of the above-entitled matter arising from an incident on May 26, 2002, in which OPD officers injured plaintiff while he was resisting arrest. The matter was previously approved by the City Council in closed session on May 4, 2004.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of Twenty Thousand Dollars and No Cents (\$20,000), to be made payable to John L. Burris, Esq. as trustee for Ronald McGowan.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John A. Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Peter Hallifax
319880

10.4CC
ORA/COUNCIL

JUN 1 2004

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.



PH/aah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF RONALD McGOWAN v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C03-2486-SI, OUR FILE NO. 22953, IN THE AMOUNT OF \$20,000.00. (OAKLAND POLICE DEPARTMENT, ALLEGED CIVIL RIGHTS VIOLATION)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Ronald McGowan v. City of Oakland, et al., United States District Court Case No. C03-2486 SI, City Attorney's File No. 22953, for a sum not to exceed a total of Twelve Thousand Five Hundred Dollars and No Cents (\$20,000.00) payable by the City of Oakland to John L. Burris Trustee for Ronald McGowan, 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 Thousand Dollars and No Cents (\$20,000.00) be paid to John L. Burris, Esq. Trustee for Ronald McGowan, 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

319907

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ORA/COUNCIL

JUN 1 2004