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December 4, 2012

HONORABLE CITY COUNCIL
Oakland, California

Subject: Oakland Police Department (Unlawful Search)

<u>Our File #</u>	<u>File Name</u>	<u>United States District Court No.</u>
SS02484	Taylor, James and Forbes, Robert	C04-04843 SI
SS02705	Foster, Darnell, Duarte, Rafael; Yancie Young	C05-03110 SI
SS02719	Rider, Jimmy	C05-03204 SI
SS24386	Moore, Tyrone; Wash, Deandre	C06-02426 SI
SS25571	Miller, Jeffrie; Tillman, Richard; et al.	C07-01773 SI
SS25818	Smith, John; Davis, Robert, et al	C07-06298 SI
SS25880	Ward, David; Tyson, James et al.	C07-04179 SI
SS26556	Moore, Orlando (Turner, Terrell) et al.	C08-03114 SI
SS26767	Quincy, Smith; Coley, Lawrence; Brown, Courtney,	C08-04255 SI
SS26767-4	Smith, Quincy	C11-04909 SI
SS27508	Kountz, Rashan et al. (Johnson, Stephen)	C09-05316 SI
SS27508-2	Johnson, Stephen	C11-04905 SI
SS27508-3	B.M., a minor, G.A.L. Felicia Williams	C11-04903 SI

President Reid 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 actions for the aggregate sum of Four Million, Six Hundred Thousand Dollars and No Cents (\$4,600,000.00) damages payable to the Law Offices of John L. Burriss and Haddad & Sherwin in trust for the above-named plaintiffs.

Each plaintiff asserts that he was subjected to an unconstitutional search by Oakland Police Department officers at various locations in the City between 2002 and 2009. This matter was heard in closed session on November 13, 2012.

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Page 2

The Council authorized settlement of these cases in Closed Session on November 13, 2012 (moved by Councilmember Kernighan and seconded by Councilmember Reid, 5 ayes, 1 No - Councilmember De La Fuente, 1 Absent - Councilmember Brunner; 1 abstention - Councilmember Brooks).

Respectfully submitted,



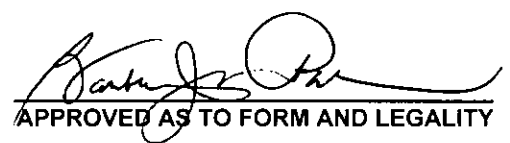
BARBARA J. PARKER
City Attorney

Attorneys Assigned:

Randolph W. Hall

Arlene Rosen

1052806.1


APPROVED AS TO FORM AND LEGALITY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

AMR/ah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE FOLLOWING CASES (OAKLAND POLICE DEPARTMENT – UNLAWFUL SEARCH) IN THE AGGREGATE AMOUNT OF FOUR MILLION, SIX HUNDRED THOUSAND DOLLARS AND NO CENTS (\$4,600,000.00):

JAMES TAYLOR AND ROBERT FORBES v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C04-04843 SI; CITY ATTORNEY'S FILE NO. SS26446;

DARNELL FOSTER, RAFAEL DUARTE AND YANCIE YOUNG V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C05-03110 SI; CITY ATTORNEY'S FILE NO. SS02705;

JIMMY RIDER V. CITY OF OAKLAND, ET AL. UNITED STATES DISTRICT COURT NO. C05-03204 SI; CITY ATTORNEY'S FILE NO. SS02719;

TYRONE MOORE AND DEANDRE WASH V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C06-02426SI; CITY ATTORNEY'S FILE NO. SS24386;

JEFFRIE MILLER, RICHARD TILLMAN, JASON CAGLER, JOMAL REED, CURTIS FREEMAN, GLENN LOVELY AND KEVIN BRADLEY V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C07-01773 SI; CITY ATTORNEY'S FILE NO. SS25571;

JOHN SMITH, ROBERT DAVIS, MEHERET ANETENEH, JAMEL PARRISH, YUSEF MORRIS, ELBERT OWENS, RAHEEM HILL AND SHERMAN DUNN V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C07-06298 SI; CITY ATTORNEY'S FILE NO. SS25818;

DAVID WARD, JAMES TYSON, AND TONY ARMSTRONG V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C07-04179 SI; CITY ATTORNEY'S FILE NO. SS25880;

TERRELL TURNER, ROBERT YOUNG, ORLANDO MOORE AND ANTHONY JACKSON V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C08-03114 SI; CITY ATTORNEY'S FILE NO. SS26556;

LAWRENCE COLEY V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C08-04255 SI; CITY ATTORNEY'S FILE NO. SS26767;

RAHSAN KOUNTZ V. CITY OF OAKLAND, ET AL, UNITED STATES DISTRICT COURT NO. C09-05316 SI; CITY ATTORNEY'S FILE NO. SS27508;

COURTNEY BROWN V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04904; CITY ATTORNEY'S FILE NO. SS26767-1;

LARRY NOBLE, JR. V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04906 SI; CITY ATTORNEY'S FILE NO. SS26767-2;

NKUKWE OKOLI V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04907 SI; CITY ATTORNEY'S FILE NO. SS26767-3;

QUINCY SMITH V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04909 SI; CITY ATTORNEY'S FILE NO. SS26767-4;

THOMAS ROMERSON V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04908 SI; CITY ATTORNEY'S FILE NO. SS27508-1;

STEPHEN JOHNSON V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04905; CITY ATTORNEY'S FILE NO. SS27508-2;

B. M., A MINOR, BY AND THROUGH HIS NEXT FRIEND, FELICIA WILLIAMS V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C11-04903 SI; CITY ATTORNEY'S FILE NO. SS27508-3

WHEREAS, the above-named plaintiffs allege that between 2002 and 2009 Oakland Police Department officers conducted unlawful searches of their persons, and said plaintiffs have filed a civil rights and personal injury actions against the City of Oakland and the officers for injuries allegedly sustained during the course of their detention and/or arrest and search; and

WHEREAS, on November 13, 2012, the City Council authorized settlement of these cases in Closed Session (moved by Councilmember Kernighan and seconded by Councilmember Reid, 5 ayes, 1 No - Councilmember De La Fuente, 1 Absent - Councilmember Brunner; 1 abstention - Councilmember Brooks); and

WHEREAS, the City has determined to compromise and collectively settle the claims of the above-named plaintiffs against it and all defendants for the sum of Four Million, Six Hundred Thousand Dollars and No Cents (\$4,600,000.00); and

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the cases of Taylor, et al v. City of Oakland, et al., United States District Court No. C04-04843 SI, City Attorney's File No. SS26446; Foster, et al. v. City of Oakland, et al., United States District Court No. C05-03110 SI, City Attorney's File No. SS-02705; Rider v. City of Oakland, et al., United States District Court No. C05-03240 SI, City Attorney's File No. SS02719; Moore, et al. v. City of Oakland, et al., United

States District Court No. C06-02426SI, City Attorney File No. SS24386; Miller, et al. v. City of Oakland, et al., United States District Court No. C07-01773SI, City Attorney's File No. SS25571; John Smith, et al. v. City of Oakland, et al., United States District Court No. C07-06298 SI, City Attorney's File No. SS25818; Ward v. City of Oakland, et al., United States District Court No. C07-04179 SI, City Attorney's File No. SS25880; Turner, et al. v. City of Oakland, et al., United States District Court No. C08-03114 SI, City Attorney's File No. SS26556; Coley v. City of Oakland, et al., United States District Court No. C08-04255, City Attorney's File No. SS26767; Kountz v. City of Oakland, et al., United States District Court No. C09-05316 SI, City Attorney's File No. SS27508; Brown v. City of Oakland, et al., United States District Court No. C11004904 SI, City Attorney's File No. SS26767-1; Noble v. City of Oakland, et al., United States District Court No. C11004906 SI, City Attorney's File No. SS26767-2; Okoli v. City of Oakland, et al., United States District Court No. C11-04907 SI, City Attorney's File No. SS26767-3; Quincy Smith v. City of Oakland, et al., United States District Court No. C11-04909 SI, City Attorney's File No. SS26767-4; Romerson v. City of Oakland, et al., United States District Court No. C11-04908 SI, City Attorney's File No. SS27508-1; Johnson v. City of Oakland, et al., United States District Court No. C11-04905 SI, City Attorney's File No. SS27508-2; B. M. , a minor, by and through his next friend, Felicia Williams v. City of Oakland, et al., United States District Court No. C11-04903 SI, City Attorney's File No. SS27508-3, in an aggregate sum not to exceed Four Million, Six Hundred Thousand Dollars and No Cents (\$4,600,000.00) made payable to the Law Offices of John L. Burris and Haddad & Sherwin in trust for each of the above-named plaintiffs; and be it

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 Four Million, Six Hundred Thousand Dollars and No Cents (\$4,600,000.00) made payable to the Law Offices of John L. Burris and Haddad & Sherwin in trust for the above-named plaintiffs.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- KERNIGHAN, NADEL, SCHAAF, KAPLAN and PRESIDENT REID

NOES- DELAFUENTE,

ABSENT- BRUNNER

ABSTENTION- BROOKS

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