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CITY OF OAKLAND



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Office of the City Attorney
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March 16, 2010

HONORABLE CITY COUNCIL
Oakland, California

President Brunner and Members of the City Council:

Subject: Loren Nails et al. v. City of Oakland, et al
United States District Court No. C09-00565-SI
City Attorney File No.: 26703_(PSA)

Pursuant to §401 of the Charter, and the action of the Council at its March 2, 2010, closed session, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action in the sum of the total amount of Ten Thousand Dollars (\$10,000.00), payable Loren Nails, individually, and as guardian ad litem to Alaren Nails and their attorney, Christopher Morray-Jones Esq.

Ms. Nails contends that she was arrested without probable cause and that officers used excess force against her. This settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict.

Respectfully submitted,

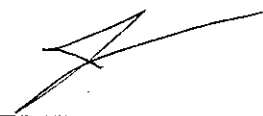

JOHN A. RUSSO
City Attorney

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OAKLAND CITY COUNCIL

2010 MAR -4 PM 3:37

RESOLUTION No. _____ C.M.S.



SQR

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF LOREN NAILS V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C09-00565-SI, OUR FILE NO. 26703, IN THE AMOUNT OF \$10,000.00 THIS CASE INVOLVES ARREST WITHOUT PROBABLE CAUSE AND EXCESS FORCE. (OAKLAND POLICE DEPARTMENT-ALLEGED CIVIL RIGHTS VIOLATION)

WHEREAS: Loren Nails claims that she was arrested without probable cause and the arresting officers used force, and that Alaren Nails, a minor, suffered emotional distress during the incident.

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 Loren Nails v. City of Oakland et al., United States District Court Case No. C 09-00565-SI, City Attorney's File No. 26703 for a sum not to exceed Ten Thousand Dollars (\$10,000.00), payable Loren Nails, individually, and as guardian ad litem to Alaren Nails and their attorney, Christopher Morry-Jones Esq.

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 the sum of Ten Thousand Dollars (\$10,000.00), payable Loren Nails, individually, and as guardian ad litem to Alaren Nails and their attorney, Christopher Morry-Jones Esq.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20 ____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, DE LA FUENTE, KAPLAN, NADEL, REID, QUAN, BROOKS and KERNIHGAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
La Tonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California