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CITY OF OAKLAND



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

Office of the City Attorney  
John A. Russo  
City Attorney

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

May 18, 2004

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Brian Johnson v. City of Oakland, et al**  
**United States District Court Case No. C-03-3165 JL**  
**Our File No. 23063 – Oakland Police Department**  
**(Police Conduct)**

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 settlement of the above-entitled matter arising from alleged civil rights violations during the arrest of the plaintiff for a total sum of Seventy Thousand Dollars and No Cents (\$70,000.00), to be made payable to Brian Johnson and John Burris, Esq., his attorney.

Plaintiff alleges excessive force in the course of his arrest on July 9, 2002. Mr. Johnson claims that he was struck with a flashlight and kicked. The settlement is recommended to avoid the risk of an adverse verdict at trial and the additional exposure for attorney's fees should that occur. This case was discussed in closed session May 4, 2004.

Respectfully submitted,

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

JOHN A. RUSSO  
City Attorney


Attorney Assigned:  
Maria Bee  
322379

10.5cc  
ORA/COUNCIL

MAY 18 2004

OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

*BWA*  


MXB/kj

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BRIAN JOHNSON v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C03-3165 JL, OUR FILE NO. 23063, IN THE AMOUNT OF \$70,000.00. THIS CASE INVOLVES CLAIMS OF VIOLATIONS OF CIVIL RIGHTS AGAINST OAKLAND POLICE OFFICERS. (OAKLAND POLICE DEPARTMENT – POLICE CONDUCT)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Brian Johnson v. City of Oakland, et al., United States District Court Case No. C03 3165 JL, City Attorney's File No. 23063, for a sum not to exceed a total of Seventy Thousand Dollars and No Cents (\$70,000.00) payable by the City of Oakland to Brian Johnson and John Burris, Esq., his attorney.

**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 Seventy Thousand Dollars and No Cents (\$70,000.00) be paid to Brian Johnson and John Burris, Esq., his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2004

**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

322377

*10.5CC*  
**ORA/COUNCIL**

**MAY 18 2004**