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CITY OF OAKLAND



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

Office of the City Attorney
John A. Russo
City Attorney

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

September 20, 2005

HONORABLE CITY COUNCIL
Oakland, California

Port Local 10 Warehouse and Longshoremen et al v. City of Oakland, et al.
USDC Case No.: C 03-2962 TEH (JL)
Sri Louise Coles et al v. City of Oakland et al
USDC Case No.: C03-2961 TEH
Our File Nos: 23333 and X01958 (Police Department)

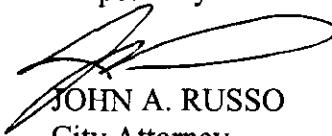
Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the claims of three (3) of the remaining seventeen (17) plaintiffs in the above-captioned matters. These consolidated actions originally involved fifty-eight (58) plaintiffs alleging violations of their civil rights arising from the April 7, 2003 arrests and use of force by Oakland Police Officers to disperse a group of anti-war protesters at the Port of Oakland.

The total settlement for these three (3) plaintiffs is Five Hundred Ninety-Two Thousand Five Hundred Dollars and No Cents (\$592,500.00). One check in the amount of Five Hundred Thousand Dollars and No Cents (\$500,000.00) is to be issued as payment to Willow Rosenthal and James B. Chanin, her attorney. One check in the amount of Eighty-Five Thousand Dollars and No Cents (\$85,000.00) is to be issued as payment to John Nishinaga and James B. Chanin, his attorney. One check in the amount of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) is to be issued as payment to Cliff Close and James B. Chanin, his attorney.

These settlements were approved in closed session on July 19, 2005.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned:
Randolph W. Hall

OAKLAND CITY COUNCIL

RWH

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

2005 SEP -6 PM 3:43

RWH:ssl

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE CLAIMS OF THREE (3) OF THE REMAINING SEVENTEEN (17) PLAINTIFFS IN THE MATTERS OF PORT LOCAL 10 WAREHOUSE AND LONGSHOREMEN ET AL. v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C03-2962 TEH (JL), OUR FILE NO. X01958 AND SRI LOUISE COLES ET AL. V. CITY OF OAKLAND ET AL., UNITED STATES DISTRICT COURT CASE NO. C03-2961 TEH, OUR FILE NO. 23333, FOR A SUM NOT TO EXCEED A TOTAL OF FIVE HUNDRED NINETY-TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$592,500.00). ONE CHECK IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$500,000.00) IS TO BE ISSUED AS PAYMENT TO WILLOW ROSENTHAL AND JAMES B. CHANIN, HER ATTORNEY. ONE CHECK IN THE AMOUNT OF EIGHTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$85,000.00) IS TO BE ISSUED AS PAYMENT TO JOHN NISHINAGA AND JAMES B. CHANIN, HIS ATTORNEY. ONE CHECK IN THE AMOUNT OF SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$7,500.00) IS TO BE ISSUED AS PAYMENT TO CLIFF CLOSE AND JAMES B. CHANIN, HIS ATTORNEY. THESE MATTERS ARISE FROM THE APRIL 7, 2003 PORT OF OAKLAND POLICE ACTION (EXCESSIVE FORCE/CIVIL RIGHTS VIOLATION)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle claims of three (3) of the remaining seventeen (17) plaintiffs in the matters of Port Local 10 Warehouse and Longshoremen et al. v. City of Oakland, et al., United States District Court Case No. C03-2962 TEH(JL) and Sri Louise Coles et al. v. City of Oakland et al., United States District Court Case No. C03-2961 TEH, for a sum not to exceed a total of Five Hundred Ninety-Two Thousand Five Hundred Dollars and No Cents (\$592,500.00). One check in the amount of Five Hundred Thousand Dollars and No Cents (\$500,000.00) is to be issued as payment to Willow Rosenthal and James B. Chanin, her attorney. One check in the amount of Eighty-Five Thousand Dollars and No Cents (\$85,000.00) is to be issued as payment to John Nishinaga and James B. Chanin, his attorney. One check in the amount of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) is to be issued as payment to Cliff Close and James B. Chanin, 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 one check in the amount of Five Hundred Thousand Dollars and No Cents (\$500,000.00) is to be issued as payment to Willow Rosenthal and James B. Chanin, her attorney. One check in the amount of Eighty-Five Thousand Dollars and No Cents (\$85,000.00) is to be issued as payment to John Nishinaga and James B. Chanin, his attorney. One check in the amount of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) is to be issued as payment to Cliff Close and James B. Chanin, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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