

**CITY OF
OAKLAND**

OFFICE OF
THE CITY ATTORNEY
OAKLAND



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Office of the City Attorney
John A. Russo
City Attorney

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October 5, 2004

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Wayne Nelson v. City of Oakland, et al.
United States District Court No. C-02-5325-WDB
Our File No. 22491 (OAKLAND POLICE DEPARTMENT
– EXCESSIVE FORCE)**

President De La Fuente 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 action for the sum of Forty Thousand Dollars and No Cents (\$40,000.00) payable to Plaintiff Wayne Nelson and John L. Burris, his attorney.

This case arises out of Oakland Police Department officers' alleged use of excessive force while attempting to evict plaintiff from the Oakland-Alameda County Coliseum premises following a complaint that he was unlawfully selling merchandise there. The settlement is recommended to avoid a potentially much larger adverse jury verdict.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Arlene M. Rosen
327897

10.500
ORA/COUNCIL
OCT 05 2004

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.



AMR/bjw

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF WAYNE NELSON V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C-02-5325-WDB, OUR FILE NO. 22491, IN THE AMOUNT OF \$40,000.00 (OAKLAND POLICE DEPARTMENT – EXCESSIVE FORCE)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Wayne Nelson v. City of Oakland, et al., City Attorney's File No. 22491, for a sum not to exceed Forty Thousand Dollars and No Cents (\$40,000.00) made payable to Wayne Nelson and John L. Burris, 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 Forty Thousand Dollars and No Cents (\$40,000.00) made payable to Wayne Nelson and John L. Burris, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA

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

10.5cc

ORA/COUNCIL

OCT 9 5 2004