

CITY OF OAKLAND



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February 6, 2007

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Jane Doe and Mary Roe v. City of Oakland and Richard Valerga*
U.S. Northern District Court Action No. C06-02424 MHP (JCS)
City Attorney File No. X02828 (PSA – Civil Rights/Sexual Conduct)

President De La Fuente and Members of the City Council:

Pursuant to §401 of the Charter, and the action of the Council at its December 5, 2006, 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 total sum of One Hundred and Ninety Thousand Dollars (\$190,000), payable in equal halves to Teresa Pham (identified in the action as “Jane Doe”) and James B. Chanin, her attorney or record, and to Trang Pham (identified in the action as “Mary Roe”), and John I. Burris and Beth W. Mora, her attorneys of record.

The plaintiffs contend that they were subjected to unwarranted traffic stops due to their race/ethnicity and gender, and to inappropriate conduct of a sexual nature by then police officer Richard Valerga. This settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. Russo'.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Inés Vargas Fraenkel

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK

RESOLUTION NO. _____ C.M.S.

2007 JAN 25 11:10:07

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RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF JANE DOE AND MARY ROE V. CITY OF OAKLAND AND RICHARD VALERGA, U.S. NORTHERN DISTRICT COURT ACTION NO. C06-02424 MHP (JCS), OUR FILE NO. X02828, IN THE AMOUNT OF \$190,000.00. THIS CASE INVOLVES UNWARRANTED STOPS AND IMPROPER CONDUCT ON THE BASIS OF RACE/ETHNICITY AND GENDER (OAKLAND POLICE DEPARTMENT-ALLEGED CIVIL RIGHTS VIOLATION)

RESOLVED: That the City Attorney is authorized and directed to settle the case of Jane Doe and Mary Roe v. City of Oakland and Richard Valerga, U.S. Northern District Court Action No. C06-02424 MHP (JCS), Our File No. X02828 (PSA – Civil Rights), for the sum of One Hundred Ninety Thousand Dollars (\$190,000), made payable in equal halves to Teresa Pham (identified in the action as “Jane Doe”) and James B. Chanin, her attorney or record, and to Trang Pham (identified in the action as “Mary Roe”), and John I. Burris and Beth W. Mora, her attorneys of record.

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 One Hundred Ninety Thousand Dollars (\$190,000), be paid in equal halves as follows: Ninety Thousand Five Hundred Dollars (\$90,500) to Teresa Pham (identified in the action as “Jane Doe”) and James B. Chanin, her attorney or record, and Ninety Thousand Five Hundred Dollars (\$90,500) to Trang Pham (identified in the action as “Mary Roe”), and John I. Burris and Beth W. Mora, her attorneys of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California