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CITY OF OAKLAND



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

Office of the City Attorney  
John Russo  
City Attorney

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June 21, 2011

**HONORABLE CITY COUNCIL**  
Oakland, California

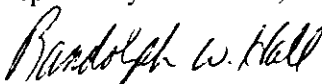
**Subject: Victor Jones and Novender Fleming v. City of Oakland et al.  
United States District Court Case Nos: 09-CV-4757-BZ and  
09-CV-01613-BZ; Our File Nos: 27053 and 26944 (OPD)**

President Reid 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 recommended settlement of the attorney fees incurred by plaintiffs Victor Jones and Novender Fleming in the amount of Three Hundred Fifty Thousand Dollars and No Cents (\$350,000.00) payable as follows: Ninety Thousand Dollars and No Cents (\$90,000.00) to Premier Law Group; Sixty Thousand Dollars and No Cents (\$60,000.00) to Wayne Johnson and Darryl Parker; and Two Hundred Thousand Dollars and No Cents (\$200,000.00) to MetLife Tower Resources Group, Inc.

This settlement recommendation is to resolve the attorney fees issue in this matter. Plaintiffs Fleming and Jones prevailed at trial and are statutorily entitled to attorney fees payable by the City of Oakland. This matter was discussed and approved at the May 3, 2011 closed session.

Respectfully submitted,

  
JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Outside counsel/Randolph W. Hall  
Doc No. 808070

# OAKLAND CITY COUNCIL

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

RWH: ssl

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF VICTOR JONES AND NOVENDER FLEMING v. CITY OF OAKLAND, UNITED STATES DISTRICT COURT CASE NOS. 09-CV-4757-BZ AND 09-CV-01613-B2, CITY ATTORNEY'S FILE NOS. 27053 AND 26944, IN THE AMOUNT OF THREE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$350,000.00) (OPD)**

**WHEREAS**, on September 3, 2008, Oakland Police Officers executed a search warrant at premises occupied by Plaintiffs Victor Jones and Novender Fleming; and

**WHEREAS**, Plaintiffs Victor Jones and Novender Fleming allege that they were injured in their persons by the actions of Oakland Police Officers conducting the search of their premises; and

**WHEREAS**, in November 2010, a federal jury determined that Oakland Police Officers violated the civil rights of Plaintiffs Victor Jones and Novender Fleming and awarded money damages to plaintiffs; and

**WHEREAS**, the award of money damages entitles plaintiffs to an award of reasonable attorney fees; and

**WHEREAS**, the Office of City Attorney has negotiated settlement of attorney fees with plaintiffs' attorneys; and

**WHEREAS**, settlement of attorney fees resolves all remaining issues in this lawsuit; and

**WHEREAS**, the Office of City Attorney recommends that it is in the City of Oakland interest to settle this lawsuit; and

**WHEREAS**, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City.

**NOW, THEREFORE**, the City of Oakland finds, determines, declares and

**RESOLVES**, that all the recitals above set forth are true and correct, and the City of Oakland so finds and determines; and be it

FURTHER RESOLVED, that the City Attorney is authorized and directed to settle the attorney fees incurred by Plaintiffs Victor Jones and Novender Fleming in the case of Victor Jones and Novender Fleming v. City of Oakland et al., United States District Court Case Nos. 09-CV-4757-BZ and 09-CV-01613-BZ, City Attorney File Nos. 27053 and 26944, for the total sum of Three Hundred Fifty Thousand Dollars and No Cents (\$350,000.00) payable as follows: the amount of Ninety Thousand and No Dollars (\$90,000.00) to Premier Law Group; the amount of Sixty Thousand Dollars and No Cents (\$60,000.00) to Wayne Johnson and Darryl Parker; and the amount of Two Hundred Thousand Dollars and No Cents (\$200,000.00) to MetLife Tower Resources Group, Inc.; and be it

FURTHER RESOLVED, that the City of Oakland authorizes and directs the City Attorney, for and on behalf of the City of Oakland, to do all things and take any and all actions and execute and deliver any and all agreements, and the documents which may be deemed necessary or advisable in order to effectuate the purposes of this resolution.

IN COUNCIL OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, and  
PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

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