



City Attorney's Office

# OAKLAND CITY COUNCIL

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

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE FOLLOWING CLAIMS IN THE CASE OF ANTI POLICE-TERROR PROJECT, COMMUNITY READY CORPS, SEAN CANADAY, MICHAEL COHEN, MICHAEL COOPER, ANDREA COSTANZO, JOHNATHAN FARMER, LINDSEY FILOWITZ, DANIELLE GAITO, KATIE JOHNSON, BRYANNA KELLY, JENNIFER LI, IAN MCDONNELL, MELISSA MIYARA, LINDSEY MORRIS, LEILA MOTTLEY, NIKO NADA, AZIZE NGO, NICOLE PULLER, MARIA RAMIREZ, AKIL RILEY, AARON ROGACHEVSKY, TARA ROSE, ASHWIN RUPAN, DANIEL SANCHEZ, CHRISTINA STEWART, TAYAH STEWART, KATHERINE SUGRUE, CELESTE WONG, AND QIAOCHU ZHANG; ON BEHALF OF THEMSELVES AND SIMILARLY SITUATED INDIVIDUALS V. CITY OF OAKLAND, OPD POLICE CHIEF SUSAN E. MANHEIMER, OPD SERGEANT PATRICK GONZALES, OPD OFFICER MAXWELL D'ORSO AND OPD OFFICER CASEY FOUGHT, UNITED STATES DISTRICT COURT CASE NO. 4:20-CV-03866-JCS, CITY ATTORNEY FILE NO. X05141 FOR A TOTAL SUM OF ONE MILLION FIVE HUNDRED TWENTY FIVE THOUSAND DOLLARS AND NO CENTS (\$1,525,000.00) TO BE PAID TO THE FOLLOWING PLAINTIFFS AS PROVIDED BELOW:

PLAINTIFF ANTI POLICE-TERROR PROJECT	\$0.00
PLAINTIFF COMMUNITY READY CORPS	\$0.00
PLAINTIFF SEAN CANADAY	\$15,000.00
PLAINTIFF MICHAEL COHEN	\$5,000.00
PLAINTIFF MICHAEL COOPER	\$8,500.00
PLAINTIFF ANDREA COSTANZO	\$8,500.00
PLAINTIFF JONATHAN FARMER	\$8,500.00
PLAINTIFF LINDSEY FILOWITZ	\$45,000.00
PLAINTIFF DANIELLE GAITO	\$16,500.00
PLAINTIFF KATIE JOHNSON	\$8,500.00
PLAINTIFF JENNIFER LI	\$25,000.00
PLAINTIFF IAN MCDONNELL	\$12,500.00
PLAINTIFF MELISSA MIYARA	\$8,500.00
PLAINTIFF LEILA MOTTLEY	\$5,000.00
PLAINTIFF NIKO NADA	\$12,500.00
PLAINTIFF AZIZE NGO	\$2,500.00
PLAINTIFF NICOLE PULLER	\$12,500.00
PLAINTIFF MARIA RAMIREZ	\$12,500.00
PLAINTIFF AKIL RILEY	\$8,500.00
PLAINTIFF AARON ROGACHEVSKY	\$12,500.00
PLAINTIFF TARA ROSE	\$20,000.00
PLAINTIFF DANIEL SANCHEZ	\$25,000.00
PLAINTIFF CHRISTINA STEWART	\$12,500.00
PLAINTIFF TAYAH STEWART	\$12,500.00
PLAINTIFF KATHERINE SUGRUE	\$10,000.00
PLAINTIFF CELESTE WONG	\$12,500.00
PLAINTIFF QIAOCHU ZHANG	\$5,000.00

**AND TO SETTLE PLAINTIFFS' CLAIMS FOR PERMANENT INJUNCTIVE RELIEF PERTAINING TO CROWD CONTROL, INCLUDING MULTIPLE REQUIREMENTS REGARDING THE USE OF CHEMICAL AGENTS; MULTIPLE REQUIREMENTS ON THE MANAGEMENT OF MUTUAL AID AGENCIES; REQUIREMENTS REGARDING THE USE OF IMPACT MUNITIONS, DISPLAYING OF IDENTIFYING INFORMATION, USAGE OF PERSONAL DIGITAL RECORDING DEVICES, AND CROWD DISPERSAL METHODS; TRAINING OF OFFICERS; AND A FIVE-YEAR PERIOD OF CONTINUING JURISDICTION;**

**AND TO SETTLE PLAINTIFFS' CLAIMS FOR ATTORNEYS' FEES AND COSTS IN AN AMOUNT UP TO ONE MILLION TWO HUNDRED THOUSAND DOLLARS AND NO CENTS (\$1,200,000.00), ARISING FROM THE OAKLAND POLICE DEPARTMENT'S RESPONSE TO DEMONSTRATIONS IN OAKLAND BETWEEN MAY 29, 2020 AND JUNE 1, 2020. (POLICE DEPARTMENT – CROWD CONTROL)**

**WHEREAS**, following the killing of George Floyd there were large demonstrations in the City of Oakland between May 29, 2020 and June 1, 2020, resulting in numerous interactions between crowd members, OPD officers, and officers of mutual aid agencies; and

**WHEREAS**, Plaintiffs allege they were injured by exposure to tear gas, impact munitions, and suffered other physical and mental injuries and injuries to their civil rights; and

**WHEREAS**, Plaintiffs filed *Anti Police-Terror Project, et al. v. City of Oakland, et al.*, U.S. District Court, Northern District of California Case No. 4:20-CV-03866-JCS against the City of Oakland, former Interim Chief of Police Susan Manheimer, Officer Maxwell D'Orso, and Officer Casey Fought, alleging violation of Plaintiffs' right to free speech under the First Amendment, excessive force and false arrest in violation of the Fourth Amendment, violation of the right to substantive due process under the Fourteenth Amendment, violation of the Bane Act (Civ. Code § 52.1), and common law claims for assault and battery, false arrest, and negligence; and

**WHEREAS**, without admitting fault or wrongdoing, the City has determined to compromise the claims of the settling plaintiffs in the amounts listed above, and Plaintiffs' claims for permanent injunctive relief, and Plaintiffs' claims for attorneys' fees and costs, in the total amount of One Million Five Hundred Twenty Five Thousand Dollars and No Cents (\$1,525,000.00); now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the claims of Plaintiffs Anti Police-Terror Project, Community Ready Corps, Sean Canaday, Michael Cohen, Michael Cooper, Andrea Costanzo, Johnathan Farmer, Lindsey Filowitz, Danielle Gaito, Katie Johnson, Jennifer Li, Ian McDonnell, Melissa Miyara, Leila Mottley, Niko Nada, Azize Ngo, Nicole Puller, Maria Ramirez, Akil Riley, Aaron Rogachevsky, Tara Rose, Daniel Sanchez, Christina Stewart, Tayah Stewart, Katherine Sugrue, Celeste Wong, And Qiaochu Zhang in the case of *Anti Police-Terror Project, et al. v. City of Oakland, et al.*, U.S. District Court, Northern District of California Case No. 20-cv-03866 for the sum of Three Hundred Twenty-Five Thousand Dollars and No Cents (\$325,000.00), as apportioned above; and be it

**FURTHER RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the claims of all Plaintiffs for permanent injunctive relief; and be it

**FURTHER RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the claims of all Plaintiffs for attorneys' fees and costs in an amount up to \$1,200,000.00; and be it

**FURTHER RESOLVED:** That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California