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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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February 3, 2015

HONORABLE CITY COUNCIL
Oakland, California

Subject: Rickey Clay v. City of Oakland, et al
Northern District of California Court Case No. C13-04633 NC
City Attorney File No. 29615
(Oakland Police Department – Wrongful Arrest)

President Gibson McElhaney 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 claim for the sum of Forty Thousand Dollars and No Cents (\$40,000.00), to be paid to Yolanda Huang, Esq., In Trust For Rickey Clay. Ms. Huang is Mr. Clay's attorney.

This action arises out of plaintiff Rickey Clay's arrest on May 4, 2012, following his being escorted out of the Police Department's open house. Plaintiff alleges his constitutional rights were violated and brings claims under 42 U.S.C. § 1983.

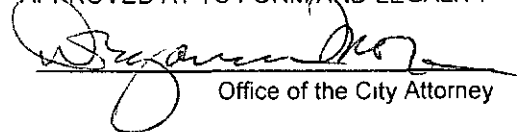
The Council authorized settlement of this case in Closed Session on Tuesday, January 6, 2015 (moved by Councilmember Kalb and seconded by Councilmember Gibson McElhaney – 8 Ayes).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney assigned:
Wendy M. Garbers


Office of the City Attorney

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF RICKEY CLAY AKA BAKARI OLATUNJI V. CITY OF OAKLAND, ET AL., NORTHERN DISTRICT OF CALIFORNIA CASE NO. C13-04633 NC, CITY ATTORNEY'S FILE NO. 29615, IN THE AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000.00) (OAKLAND POLICE DEPARTMENT - WRONGFUL ARREST)

WHEREAS, Plaintiff Rickey Clay alleges that his Constitutional rights were violated when he was escorted out of an Oakland Police Department open house on May 4, 2012, and subsequently arrested; and

WHEREAS, Plaintiff Rickey Clay filed the above referenced action to recover monetary damages for his alleged injuries; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Rickey Clay's claim against it for the sum of Forty Thousand Dollars and No Cents (\$40,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Rickey Clay aka Bakari Olatunji v. City of Oakland, et al., Northern District of California Court Case No. C13-04633 NC, City Attorney's File No. 29615, for a sum not to exceed Forty Thousand Dollars and No Cents (\$40,000.00) payable by the City of Oakland; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Forty Thousand Dollars and No Cents (\$40,000.00) be paid to Yolanda Huang, Esq., In Trust For Rickey Clay.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the City
of Oakland, California