

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CA 94612

Office of the City Attorney  
John A. Russo  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TDD: (510) 839-6451

November 18, 2003

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: *Leon McDaniels v. City of Oakland, et al***  
**United States District Court Case No. C01- 2615 MEJ**  
**Our File No. 21135 – Oakland Police Department –**  
**Police Conduct/Civil Rights Violation**

Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled matter arising from an incident on July 9, 2000, in which plaintiff was detained by OPD officers for standing in the roadway and resisting arrest.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of Fourteen Thousand Dollars and No Cents (\$14,000.00), to be made payable to Leon McDaniels and John Burris, Esq., his attorney of record.

Respectfully submitted,

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

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
James F. Hodgkins  
314053

10.3 CC  
ORA/COUNCIL  
NOV 18 2003

OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.



PH/aah

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LEON MCDANIELS v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C01-2615 MEJ, OUR FILE NO. 21135, IN THE AMOUNT OF \$14,000.00 AS A RESULT OF EXCESS FORCE.**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Leon McDaniels v. City of Oakland, et al., United States District Court Case No. C01 2615 MEJ, City Attorney's File No. 21135, for a sum not to exceed a total of Fourteen Thousand Dollars and No Cents (\$14,000.00) payable by the City of Oakland to Leon McDaniels and John Burris, Esq., his attorney of record.

**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 Fourteen Thousand Dollars and No Cents (\$14,000.00) be paid to Leon McDaniels and John Burris, Esq., his attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

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

314059

10.3 cc  
ORA/COUNCIL  
NOV 18 2003