

CITY OF OAKLAND



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

Office of the City Attorney
John A. Russo
City Attorney
Rachel Wagner, Supervising Trial Attorney

April 5, 2005

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HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

**Subject: Yolanda McGill, et al. v. City of Oakland, et al.
United States District Court Case No. C 03-4602
City Attorney File No. 23705**

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution authorizing and recommends settlement of the above-captioned matter, for the sum of Fifty Thousand Dollars and No Cents (\$50,000.00), payable to John L. Burris and James B. Chanin, their attorneys of record.

This action arises from a police conduct case on October 5, 2003 when Terence Mearis was fatally shot by two police officers. The settlement was approved by the City Council at closed session on March 15, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John A. Russo', written in a cursive style.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Rachel Wagner

OAKLAND CITY COUNCIL/REDEVELOPMENT AGENCY

RESOLUTION No. _____ C.M.S.

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JLW:kj:ke

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF YOLANDA MCGILL, ET AL. v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT, CASE NO. C 03-04602, IN THE AMOUNT OF \$50,000.00 AS A RESULT OF A POLICE CONDUCT CASE INVOLVING A FATAL SHOOTING, ON OCTOBER 5, 2003 (OAKLAND POLICE DEPARTMENT)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Yolanda McGill, et al. v. City of Oakland, et al., City Attorney's File No. 23705, for the sum of Fifty Thousand Dollars and No Cents (\$50,000.00).

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

FURTHER RESOLVED: That the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) be payable to John L. Burris and James B. Chanin, their attorneys of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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