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Office of the City Attorney
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City Attorney

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March 6, 2018

HONORABLE CITY COUNCIL
Oakland, California

Subject: Olga Cortez, et al. v. v. City of Oakland, et al.
United States District Court Case No.C16-CV-06256-JSW
City Attorney File No. 31069
(Oakland Police Department – Civil Rights/Misconduct))

President Reid and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Thirty-Five Thousand Dollars (\$35,000.00) payable to Plaintiff Olga Cortez.

On December 7, 2015 Ms. Cortez alleges that inebriated off-duty Oakland police officers came to her home and assaulted her in front of her children and husband. Ms. Cortez also alleged civil rights violations in connection with investigative efforts by responding OPD officers. This settlement will resolve all claims against the City in this matter.

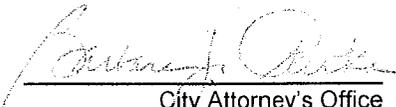
The Council authorized settlement of this case in Closed Session on Tuesday, February 20, 2018 (moved by Councilmember Kaplan and seconded by Councilmember Brooks – 6 Ayes, 1 No – Guillen and 1 Absent – Campbell-Washington).

Respectfully submitted,

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Colin Bowen

FILED
OFFICE OF THE CITY CLERK
OAKLAND


City Attorney's Office

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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: OLGA CORTEZ, ET AL., V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. 16-CV-06256-JSW IN THE AMOUNT OF THIRTY FIVE THOUSAND DOLLARS AND NO CENTS (\$35,000.00) ARISING FROM ALLEGED ASSAULTIVE CONDUCT OF INTOXICATED OFF-DUTY OPD OFFICER ON DECEMBER 7, 2015 (OAKLAND POLICE DEPARTMENT - CIVIL RIGHTS) FOR A TOTAL SETTLEMENT AMOUNT OF THIRTY FIVE THOUSAND AND NO CENTS (\$35,000)

WHEREAS, On December 7, 2015 Ms. Cortez alleges that inebriated off-duty Oakland police officers came to her home and assaulted her in front of her children and husband. Ms. Cortez also alleged civil rights violations in connection with investigative efforts by responding OPD officers. This settlement will resolve all claims against the City in this matter; and

WHEREAS, Ms. Cortez sustained injuries requiring medical treatment as a result of this incident; and

WHEREAS, United States District Court Case No. 16-CV-06256-JSW was filed against the City of Oakland for alleged civil rights violations and misconduct; and

WHEREAS, in order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case Olga Cortez, et al. v. City of Oakland, et al, CV-16-06256-JSW for the sum of Thirty-Five Thousand Dollars (\$35,000.00); 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: BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN AND PRESIDENT REID

NOES:

ABSENT:

ABSTENTION:

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