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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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October 19, 2004

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Joseph Parker et al v. City of Oakland, et al.
United States District Court C-03-4063TEH
Our File No. 23555 – Oakland Police Department (Police Conduct)**

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 claims of Joseph Parker, Nathan Caveness, Akua Franklin, Elias Margain, James Ollier, Franck Williams and Charles Roberson for a total sum of Three Hundred Twenty Four Thousand Dollars and No Cents (\$324,000.00) of which the City would pay only Twenty Four Thousand Dollars and No Cents (\$24,000.00). These seven (7) plaintiffs alleged that they were falsely arrested and convicted of criminal charges on the basis of perjured testimony by the arresting officers. Following delivery of independent evidence supporting the plaintiffs' contention that they were convicted on the basis of perjured testimony, the District Attorney reviewed and subsequently dismissed the criminal cases. The City Attorney's Office and the City's insurance carriers have conditionally agreed to globally settle these seven (7) cases for a total sum of Three Hundred Twenty Four Thousand Dollars and No Cents (\$324,000.00).

Because one of the plaintiffs, Charles Roberson, was arrested and incarcerated during a time when the City did not have insurance, the City's insurance carriers have refused coverage for that one case. City Council approval of payment of this Twenty Four Thousand Dollars and No Cents (\$24,000.00) is a necessary condition of the global settlement of all of the remaining cases. This case was discussed in closed session October 5, 2004.

Respectfully submitted,
Randolph W. Russo
JOHN A. RUSSO
City Attorney

Attorney Assigned:
Randolph W. Hall
331671

10. Ace
ORA/COUNCIL

OCT 19 2004

OAKLAND CITY COUNCIL

RWH

RESOLUTION NO. _____

FILED
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OAKLAND
C.M.S.
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RWH:ssl

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JOSEPH PARKER, CHARLES ROBERSON, ET AL. V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C-03-4063TEH, OUR FILE NO. 23555, IN THE AMOUNT OF \$324,000.00 OF WHICH THE CITY WOULD PAY ONLY \$24,000.00 TO PLAINTIFF CHARLES ROBERSON, AND HIS ATTORNEYS, JOHN L. BURRIS AND JAMES B. CHANIN. (OAKLAND POLICE DEPARTMENT – POLICE CONDUCT)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Joseph Parker, Charles Roberson et al. v. City of Oakland, et al., City Attorney's File No. 23555, for a sum not to exceed Three Hundred Twenty Four Thousand Dollars and No Cents (\$324,000.00) of which only Twenty Four Thousand Dollars (\$24,000.00) will be paid by the City to Plaintiff Charles Roberson and his attorneys John L. Burris and James B. Chanin; the remaining Three Hundred Thousand Dollars (\$300,000.00) will be paid by the City's excess insurance carrier.

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 Twenty Four Thousand Dollars (\$24,000.00) will be paid by the City to Plaintiff Charles Roberson and his attorneys John L. Burris and James B. Chanin.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

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

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ORA/COUNCIL

OCT 19 2004