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CITY OF OAKLAND



10 JAN -6 PM 4:08

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Office of the City Attorney
John A. Russo
City Attorney

January 19, 2010

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HONORABLE CITY COUNCIL
Oakland, California

Subject: Robert Valladon v. City of Oakland
United States District Court Case No. C-06-07478
File No. X02960(OPD)

Dear President Brunner and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution and recommends settlement of the above-entitled matter. This matter was presented in Closed Session on December 8, 2009.

Due to the potential for a higher award from the jury and/or Court, settlement is recommended of the above-captioned action on the following terms:

- Each of the currently employed plaintiff officers will receive 130 hours of special leave, to be distributed over three years, that cannot be cashed out unless an employee's service terminates.
- The plaintiffs who have retired as of the effective date of the settlement will each receive \$3,500.
- Each currently employed plaintiff who terminates employment prior to February 1, 2012 will receive 50% of the dollar equivalent of his/her special leave.
- One Million, Seven Hundred Fifty Thousand Dollars, and No Cents (\$1,750,000), for attorneys' fees and costs will be paid to Rains Lucia Stern, PC and Aitchison Vick, plaintiffs' attorneys of record.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned:
Vicki Laden
627135

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2010 JAN -7 AM 9:13

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ROBERT VALLADON, ET AL. V. CITY OF OAKLAND, UNITED STATES DISTRICT COURT CASE NO. C06-07478, OUR FILE NO. X02960 (OAKLAND POLICE DEPARTMENT)

WHEREAS: Over 92% of the plaintiffs in the above-captioned suit have agreed to settlement on terms negotiated by the City Attorney's Office and counsel for plaintiffs;

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Robert Valladon, et al. v. City of Oakland, United States District Court Case No. C06-07478, City Attorney's File No. X02960.

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

FURTHER RESOLVED: That the plaintiffs who remain employed by the City will receive 130 hours of special leave, to be distributed over three years, that cannot be cashed out unless an employee's service terminates.

FURTHER RESOLVED: That the plaintiffs who have already retired will each receive a cash payment of \$3,500.

FURTHER RESOLVED: That a currently employed plaintiff who terminates employment prior to February 1, 2012 will receive 50% of the dollar equivalent value of his or her special leave.

FURTHER RESOLVED: That the sum of ONE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS in attorneys' fees and costs (\$1,750,000) will be paid to Rains Lucia Stern, PC and Aitchison Vick, plaintiffs' attorneys of record.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,
and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

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