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CITY OF OAKLAND



04 JAN -7 PM 4:18

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

January 20, 2004

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

Subject: Floyd Armbruster v. City of Oakland
United States District Court No. C02-2102 JSW
Our File No.: 21977

Pursuant to §401 of the Charter, and the action of the Council at its December 16, 2003 closed session, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action in the sum of Thirteen Thousand Five Hundred Dollars (\$13,500.00.), payable to Floyd Armbruster and Zena Cash, successor in interest to Zillion Cash and their attorney, John L. Burris Esq.

This action arises out of the contact Floyd Armbruster and Zillion Cash had contact with the subject police officers on April 29, 2001. Mssrs. Armbruster and Cash contend that the officers used excessive force against them. The officers deny their allegations. This settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict should the matter be tried.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

10.6cc
ORA/COUNCIL
JAN 20 2004

OAKLAND CITY COUNCIL

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RESOLUTION NO. _____ C.M.S.



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WES/csa

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF FLOYD ARMBRESTER, ET AL V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C 02 2102 JSW, OUR FILE NO. 21977, IN THE AMOUNT OF \$ 13,500.00. THIS CASE INVOLVES USE OF EXCESSIVE FORCE. (OAKLAND POLICE DEPARTMENT-ALLEGED CIVIL RIGHTS VIOLATION)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Floyd Armbruster, et al. v City of Oakland et al., United States District Court Case No. C 02 2102, City Attorney's File No. 21977 for a sum not to exceed a total of Thirteen Thousand Five Hundred Dollars (\$13,500.00.), payable to Floyd Armbruster, and Zena Cash, successor in interest to Zillion Cash and their attorney of record, John L. Burris Esq..

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 Thirteen Thousand Five Hundred Dollars (\$13,500.00.), payable to Floyd Armbruster, and Zena Cash, successor in interest to Zillion Cash and their attorney of record, John L. Burris Esq..

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, DE LA FUENTE, MAYNE, NADEL, REID, QUAN, and WAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

10.6 CC
ORA/COUNCIL
JAN 20 2004