

CITY OF OAKLAND



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

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

May 5, 2020

HONORABLE CITY COUNCIL
Oakland, California

Subject: Kelly Pawlik, individually & as successor-in-interest to Decedent Joshua Pawlik v. City of Oakland, William Berger, individually & in his official capacity as police officer for City of Oakland; Brandon Hraiz, individually & in his official capacity as police officer for City of Oakland; Craig Tanaka, individually & in his official capacity as police officer for City of Oakland; Francisco Negrete, individually & in his official capacity as police officer for City of Oakland; and DOES 1-50 individually & in their official capacities as police officers for the City of Oakland, inclusive
United States District Court Case No. CV-19-00617-WHA
City Attorney File No. 32935
(Oakland Police Department – Excessive Force/Wrongful Death)

President Kaplan and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of One Million Four Hundred Thousand Dollars and No Cents (\$1,400,000.00), payable to Kelly Pawlik and her counsel, the Law Offices of John Burriss Client Trust Account.

Ms. Pawlik alleges that on March 11, 2018, Oakland Police officers used excessive force when they used lethal force against her son Joshua Pawlik, whom officers encountered asleep or unconscious with a gun in hand between two houses on 40th Street. When Mr. Pawlik began to apparently wake up, officers issued commands to Mr. Pawlik to drop the gun. Four officers reported that Mr. Pawlik raised the gun towards them, leading them to discharge their firearms in fear for their lives. Ms. Pawlik disputes their account and claims that there was no immediate threat justifying the use of deadly force.

The Council authorized settlement of this case in Closed Session on Thursday, April 23, 2020 (moved by Councilmember Lynette Gibson McElhaney and seconded by Councilmember Noel Gallo – 8 Ayes).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorney:
David Pereda
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