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City Attorney

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October 19, 2004

**HONORABLE CITY COUNCIL**  
Oakland, California

President de la Fuente and Members of the City Council

**Subject: Troy Barnes v. City of Oakland, et al.**  
**United States District Court Case No. C-99-4954 CW**  
**Our File No. 99594**

Pursuant to §401 of the Charter, and the action of the Council at its October 5, 2004 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 Fifteen Thousand Dollars (\$15,000.00) payable to Troy Barnes and his attorney, Michael Haddad, Esq.

Mr. Barnes contends that he was shot and kicked by police officers and that this amounted to excessive force. 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

10.300

**ORA/COUNCIL**  
**OCT 19 2004**

OAKLAND CITY COUNCIL

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION No. \_\_\_\_\_ C.M.S.

04 OCT -6 AM 11: 23

SQR/mj

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF TROY BARNES v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C-99-4954 CW, OUR FILE NO. 99594, A CLAIM ARISING FROM ALLEGED USE OF EXCESS FORCE BY POLICE, IN THE AMOUNT OF \$15,000.00 (PSA)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Troy Barnes v. City of Oakland, et al., City Attorney's File No. 99594, for a sum not to exceed a total of Fifteen Thousand Dollars (\$15,000.00) payable to Troy Barnes and his attorney, Michael J. Haddad, 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 Fifteen Thousand Dollars (\$15,000.00) be paid to Troy Barnes and his attorney, Michael J. Haddad, Esq.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

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

10.300  
ORA/COUNCIL

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