

CITY OF OAKLAND



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Office of the City Attorney
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June 19, 2007

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

Subject: Thomas Cousey v. City of Oakland, et al
United States District Court No. C06-00495 MJJ
City Attorney File No.: 24594

Pursuant to §401 of the Charter, and the action of the Council at its May 16, 2007 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 total sum of One Hundred Four Thousand Eight Hundred Dollars (\$104,800) payable to Thomas Cousey, Andre Duckett, Andraelius Lillard, Niema Lillard and their attorney James B. Chanin, Esq.

Thomas Cousey, Andre Duckett, Andraelius Lillard, Niema Lillard contend that they were unlawfully arrested, detained and/or the victims of excess force. This settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict.

Respectfully submitted,


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

JOHN A. RUSSO
City Attorney

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

RESOLUTION NO. _____ C.M.S.



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RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF THOMAS COUSEY, ET AL. V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C 05-0117 TEH, OUR FILE NO. 24594, IN THE AMOUNT OF \$104,800. THIS CASE INVOLVES USE OF EXCESSIVE FORCE AND UNLAWFULL ARREST. (OAKLAND POLICE DEPARTMENT-ALLEGED CIVIL RIGHTS VIOLATION)

RESOLVED: That the City Attorney is authorized and directed to settle the case of Thomas Cousey, et al v. City of Oakland et al., United States District Court Case No. C 05-0117 TEH, City Attorney's File No. 24594 for a sum not to exceed One Hundred Four Thousand Eight Hundred Dollars (\$104,800.00.), payable as follows: Thomas Cousey, \$10,000; Andre Duckett, \$15,000; Andraelius Lillard, \$10,000; Niema Lillard, \$12,000; and James B. Chanin, Esq., \$57,800.

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

FURTHER RESOLVED: That the sum of One Hundred Four Thousand Eight Hundred Dollars (\$104,800.00.) be paid as follows: Thomas Cousey, \$10,000; Andre Duckett, \$15,000; Andraelius Lillard, \$10,000; Niema Lillard, \$12,000; and James B. Chanin, Esq., \$57,800.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, DE LA FUENTE, NADEL, REID, QUAN, BROOKS and KERNIHGAN

NOES-

ABSENT-

ABSTENTION-

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