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CITY OF OAKLAND



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

Office of the City Attorney  
John Russo  
City Attorney

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April 5, 2011

HONORABLE CITY COUNCIL  
Oakland, California

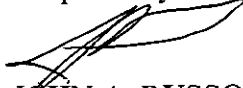
Subject: Raymond Castillo v. City of Oakland, et al.  
United States District Court Case No. C09-04679-PJH  
Our File No. 27019 (Oakland Police Department) Excess Force

President Reid 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 action for the sum of Four Hundred Twelve Thousand Five Hundred Dollars and No Cents (\$412,500.00) payable to Plaintiff Raymond Castillo and Michael J, Haddad and Julia Sherwin, his attorney.

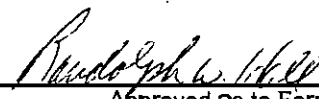
On August 8, 2008 Mr. Castillo allegedly suffered a serious elbow injury while being taken into custody by Oakland Police Officers. This action alleging excess force and false arrest and false imprisonment in violation of federal and State of California civil rights arises out of Mr. Castillo's injuries incident to his being taken into custody. The settlement is recommended to avoid the risk of an adverse trial result and potentially greater economic exposure for the City. This matter was approved in the March 15, 2011 closed session.

Respectfully submitted,

  
JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
RANDOLPH W. HALL

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
Approved as to Form and Legality

# OAKLAND CITY COUNCIL

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RESOLUTION NO. \_\_\_\_\_ C.M.S.

RWH: ssl

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF RAYMOND CASTILLO v. CITY OF OAKLAND, ET AL. UNITED STATES DISTRICT COURT CASE NO. C09-04679-PJH, CITY ATTORNEY'S FILE NO. 27019, IN THE AMOUNT OF FOUR HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$412,500.00), AS A RESULT OF INJURIES SUFFERED INCIDENT TO BEING TAKEN INTO CUSTODY BY CITY OF OAKLAND POLICE OFFICERS (OPD)**

**WHEREAS**, on August 8, 2008, Plaintiff Raymond Castillo sustained significant injury incident to being taken into custody by City of Oakland Police Officers; and

**WHEREAS**, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; and now therefore, be it

**RESOLVED**: that the City Attorney is authorized and directed to compromise and settle the case of Raymond Castillo v. City of Oakland et al., United States District Court Case No. C09-04679-PJH, City Attorney File No. 27019, for the sum of Four Hundred Twelve Thousand Five Hundred Dollars and No Cents (\$412,500.00) made payable to Raymond Castillo and Michael J. Haddad and Julia Sherwin, his attorney; and be it

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

**FURTHER RESOLVED**: that the sum of Four Hundred Twelve Thousand Five Hundred Dollars and No Cents (\$412,500.00) shall be made payable to Raymond Castillo and Michael J. Haddad and Julia Sherwin, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

**PASSED BY THE FOLLOWING VOTE:**

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

**NOES-**

**ABSENT-**

**ABSTENTION-**

**ATTEST:** \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the  
Council of the City of Oakland, California