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CITY OF OAKLAND



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Office of the City Attorney  
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City Attorney

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April 6, 2004

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject:** Uhuru Cooper v. City of Oakland, et al.  
U.S. District Court Northern District C-02-5926 MHP

President De La Fuente and Members of the City Council:

Pursuant to §401 of the Charter, and the action of the Council at its March 16, 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 Thirty-five Thousand Dollars (\$35,000.00), payable to Uhuru Cooper and his attorney, John Burris, Esq.

This action arises out of the plaintiff's arrest on March 9, 2001 for possession of narcotics for sale. The arrest was based on information obtained from a confidential informant by Officer John Gutierrez. Officer Gutierrez was terminated by the Oakland Police Department in connection with the report and court testimony related to this matter and the settlement is recommended to avoid exposure to an adverse verdict in excess of the settlement amount.

Respectfully submitted,

A handwritten signature in black ink that reads "John A. Russo".

JOHN A. RUSSO  
City Attorney

Attorney assigned: William E. Simmons

319999

10.6CC  
CRA/COUNCIL

APR 06 2004

OAKLAND CITY COUNCIL

*RW*

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

WES/csa

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF UHURU COOPER V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C 02-5926 MHP, OUR FILE NO. X01744, IN THE AMOUNT OF \$35,000.00. THIS CASE INVOLVES THE ARREST OF THE PLAINTIFF (OAKLAND POLICE DEPARTMENT-ALLEGED CIVIL RIGHTS VIOLATION)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Uhuru Cooper v City of Oakland et al., United States District Court Case No. C 02-5926 MHP, City Attorney's File No. X01744 for a sum not to exceed a total of Thirty-Five Thousand Dollars (\$35,000.00.), payable to payable to Uhuru Cooper and his attorney, John 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 Thirty-Five Thousand Dollars (\$35,000.00), payable to Uhuru Cooper and his attorney, John Burris, Esq.

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

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

*10-6 CC*

**OAKLAND CITY COUNCIL**

**APR 06 2004**