

**OAKLAND CITY COUNCIL**Resolution No. **79920** C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE ATTORNEYS FEES CLAIMS OF THE LOCAL 10 PLAINTIFFS IN THE CONSOLIDATED MATTERS OF PORT LOCAL 10 WAREHOUSE AND LONGSHOREMEN ET AL. V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C03-2962 TEH (JL), OUR FILE NO. X01958 AND SRI LOUISE COLES ET AL. V. CITY OF OAKLAND ET AL., UNITED STATES DISTRICT COURT CASE NO. C03-2961 TEH, OUR FILE NO. 23333, FOR A SUM NOT TO EXCEED A TOTAL OF TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$250,000.00) PAYABLE TO JAMES B. CHANIN, TRUSTEE. THE LOCAL 10 PLAINTIFFS' LAWSUIT ARISES FROM THE APRIL 7, 2003 PORT OF OAKLAND POLICE ACTION (EXCESSIVE FORCE/CIVIL RIGHTS VIOLATION)**

**WHEREAS**, on June 26, 2003 Alan Chapman, Christopher Clay, Ernest Evans, Billy Kepo'o, Lawrence Massey, Byron Moore and Jack Heyman ("Local 10 Plaintiffs"), filed a lawsuit alleging, inter alia, that Oakland Police Officers violated their civil rights protected by the Constitutions and laws of the United States of America and the State of California in that they were subjected to excess force and that their 1<sup>st</sup> Amendment Rights of speech and association were violently interfered with; and

**WHEREAS**, on April 4, 2006, after careful and due consideration, the Oakland City Council at closed session authorized settlement of Local 10 attorneys fees claims in this referenced matter for the amount of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00); and

**WHEREAS**, Local 10 Plaintiffs has agreed to accept the amount of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) as full settlement of their attorneys fees claims in this referenced action; now therefore, be it

**RESOLVED**, that the City Attorney is authorized and directed to compromise and settle the claims of Local 10 Plaintiffs Attorneys Fees in the consolidated matters of Port Local 10 Warehouse and Longshoremen et al. v. City of Oakland, et al., United States

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District Court Case No. C03-2962 TEH(JL) and Sri Louise Coles et al. v. City of Oakland et al., United States District Court Case No. C03-2961 TEH, for the sum of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) payable to James B. Chanin, Trustee.

**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 Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) is to be issued as payment to James B. Chanin, Trustee.

**MAY 30 2006**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006  
PASSED BY THE FOLLOWING VOTE:

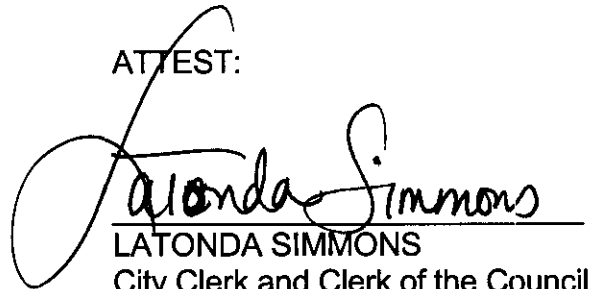
AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, KERNIGHAN AND PRESIDENT DE  
LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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