

FILED
OFFICE OF THE CITY CLERK
OAKLAND

03 DEC -3 PM 1:12

CITY OF OAKLAND



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

Office of the City Attorney
John A. Russo

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

December 16, 2003

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

**Subject: *Gilbert Edwards, et al. v. City of Oakland, et al.*
 United States District Court
 Case No. C 01 3858 CRB
 Our Matter No. 21394 (Police Services)**

Pursuant to Section 401 of the Charter, the City Attorney recommends settlement of the above-entitled matter arising out of an incident on October 24, 2000 wherein it is alleged that officers of the Oakland Police Department used excessive force against the plaintiffs.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the total amount of One-Hundred Ten Thousand Dollars (\$35,000) to be paid by the City of Oakland. The proposed settlement is to be made payable to Gilbert Edwards and Benjamin Haywood and John Burris, Esq., their attorney.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
James F. Hodgkins

10.5CC
ORA/COUNCIL

DEC 16 2003

OAKLAND CITY COUNCIL

FILED
CLERK OF THE CITY OF OAKLAND

RESOLUTION NO. _____ C.M.S.



03 DEC -3 PM 1:13

JFH/aah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF GILBERT EDWARDS, ET AL. v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C01- 3858 CRB, OUR FILE NO. 21394, IN THE AMOUNT OF \$35,000.00 AS A RESULT OF EXCESS FORCE.

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Gilbert Edwards, et al. v. City of Oakland, et al., United States District Court Case No. C01 3858 CRB, City Attorney's File No. 21394, for a sum not to exceed a total of Thirty-Five Thousand Dollars and No Cents (\$35,000.00) payable by the City of Oakland to Gilbert Edwards and Benjamin Haywood and John Burris, Esq., their attorney of record.

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 and No Cents (\$35,000.00) be paid to Gilbert Edwards and Benjamin Haywood and John Burris, Esq., their attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, 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

316205

10.500
ORA/COUNCIL
DEC 16 2003