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CITY OF OAKLAND



14 JUL -2 PM 1:49

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Office of the City Attorney  
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City Attorney

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July 15, 2014

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Peter Dixon v. City of Oakland, et al.**  
**Case No. USDC C12-5207 DMR**  
**City Attorney File No. 28890**  
**(Oakland Police Department – Wrongful Arrest)**

President Kernighan 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 claim for the sum of Twenty-five Thousand Dollars and No Cents (\$25,000.00), payable to Haddad and Sherwin in Trust for Peter Dixon.

This action arises out of the citizen's arrest of Peter Dixon affected by an Oakland Police Department officer on December 9, 2011.

The Council authorized settlement of this case in Closed Session on Tuesday, July 1, 2014 (moved by Councilmember Larry Reid and seconded by Councilmember Rebecca Kaplan - 8 Ayes).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Parker".

BARBARA J. PARKER  
City Attorney

1403359

*[Signature]*  
City Attorney's Office

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# OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PETER DIXON v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA NO. C12-5207 DMR, CITY ATTORNEY'S FILE NO. 28890 IN THE AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) (OAKLAND POLICE DEPARTMENT - WRONGFUL ARREST)**

**WHEREAS**, Plaintiff Peter Dixon alleges he was improperly detained and subjected to a citizen's arrest by an Oakland Police Department officer on December 9, 2011; and

**WHEREAS**, Plaintiff Peter Dixon filed the above-referenced action to recover monetary damages for his injuries; and

**WHEREAS**, The City Council has determined to compromise and settle Plaintiff Peter Dixon's claim against it and Officer Steven Toribio and Bernard Ortiz for the sum of Twenty-Five Thousand Dollars and No Cents (\$25,000.00); now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Peter Dixon v. City of Oakland, et al., United States District Court, Northern District of California Case No. C12-5207 DMR for a sum not to exceed Twenty Five Thousand Dollars and No Cents (\$25,000.00) payable by the City of Oakland; and be it

**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 Twenty-Five Thousand Dollars and No Cents (\$25,000.00) be paid to Haddad and Sherwin In Trust for Peter Dixon.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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