

OFFICE OF THE CITY ATTORNEY
OAKLAND, CALIFORNIA

05 JAN 19 PM 4:00

CITY OF OAKLAND



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February 1, 2005

HONORABLE CITY COUNCIL
Oakland, California

Port Local 10 Warehouse and Longshoremen et al v. City of Oakland, et al.

USDC Case No.: C 03-2962 TEH (JL)

Sri Louise Coles et al v. City of Oakland et al

USDC Case No.: C03-2961 TEH

Our File Nos: 23333 and X01958 (Police Department)

Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the claims of twenty-four (24) of the fifty-eight (58) plaintiffs in the above-entitled matters arising from the April 7, 2003 arrests and use of force by Oakland Police Officers against plaintiffs, some of whom were engaged in a protest demonstration in the vicinity of the Port of Oakland.

The settlement is on behalf of twenty-four (24) of the fifty-eight (58) plaintiffs. The total settlement for these twenty-four (24) plaintiffs is One Hundred Forty-Five Thousand Dollars and No Cents (\$145,000.00). One check in the amount of Seventy Thousand Dollars and No Cents (\$70,000.00) is to be issued as payment for fourteen (14) of the plaintiffs who have settled for five thousand dollars (\$5,000.00) each. One check in the amount of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) is to be issued as payment for the ten (10) plaintiffs who have settled for seven thousand five hundred dollars (\$7,500.00) each. Each check is to be made payable to James B. Chanin, Trustee.

This matter was discussed in closed session on January 18, 2005.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Randolph W. Hall
Doc. No. 336243

RWH

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO. _____ C.M.S.

2005 JAN 19 PM 4: 04

RWH:ssl

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE CLAIMS OF TWENTY-FOUR (24) OF THE FIFTY-EIGHT (58) PLAINTIFFS IN THE 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 ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$145,000.00). ONE CHECK IN THE AMOUNT OF SEVENTY THOUSAND DOLLARS AND NO CENTS (\$70,000.00) AS PAYMENT IN FULL FOR THE FOURTEEN (14) PLAINTIFFS SETTLING FOR \$5,000.00 EACH AND A SECOND CHECK IN THE AMOUNT OF SEVENTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00) AS PAYMENT IN FULL FOR THE TEN (10) PLAINTIFFS SETTLING FOR \$7,500.00 EACH. THESE MATTERS ARISE FROM THE APRIL 7, 2003 PORT OF OAKLAND POLICE ACTION (EXCESSIVE FORCE/CIVIL RIGHTS VIOLATION)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle claims of twenty-four (24) of the fifty-eight (58) plaintiffs in the 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) and Sri Louise Coles et al. v. City of Oakland et al., United States District Court Case No. C03-2961 TEH, for a sum not to exceed a total of One Hundred Forty-Five Thousand Dollars and No Cents (\$145,000.00). One check in the amount of Seventy Thousand Dollars and No Cents (\$70,000.00) as payment in full for the fourteen (14) plaintiffs settling for \$5,000.00 each and a second check in the amount of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) as payment in full for the ten (10) plaintiffs settling for \$7,500.00 each. The two checks are to be made payable by the City of Oakland 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 two checks: one check in the amount of Seventy Thousand Dollars and No Cents (\$70,000.00) as payment in full for the fourteen (14) plaintiffs settling for \$5,000.00 each and a second check in the amount of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) as payment in full for the ten (10) plaintiffs settling for \$7,500.00 each, are to be made payable by the City of Oakland to James B. Chanin, Trustee.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Interim City Clerk and Clerk of the Council
of the City of Oakland, California

336267