

# CITY OF OAKLAND



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

Office of the City Attorney  
John A. Russo  
City Attorney

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

**May 30, 2006**

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Port Local 10 Warehouse and Longshoremen et al v. City of Oakland, et al.**  
**United States District Court Case No.: C 03-2962 TEH (JL)**  
**Our File No: X01958**  
**Sri Louise Coles et al. v. City of Oakland, et al.**  
**United States District Court Case No.: C 03-2961 TEH**  
**Our File No. 23333**  
**(Police Services Agency/ Excessive Force/Civil Rights Violation)**

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

Pursuant to Section 401 of the Charter, the City Attorney recommends settlement of the attorneys fees claims of the Local 10 plaintiffs<sup>1</sup> in the amount of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) payable to James B. Chanin, Trustee

This settlement of the attorneys fees to which the Local 10 plaintiffs are entitled pursuant to federal statute was approved by the City Council on April 4, 2006 at closed session.

Settlement of these attorneys fees will be reimbursed to the City under its insurance policy with the California State Association of Counties ("CSAC"). The policy requires that the City pay the settlement and then submit a request for reimbursement to CSAC. We recommend final approval of this settlement so that the settlement draft may be issued which will enable the City to receive full reimbursement from CSAC of this settlement amount.

---

<sup>1</sup> Alan Chapman, Christopher Clay, Ernest Evans, Billy Kepo'o, Lawrence Massey, Byron Moore and Jack Heyman are collectively referred to as the Local 10 Plaintiffs. Each plaintiff alleges that Oakland Police Officers violated his civil rights on April 7, 2003 during operations to disperse anti-war protesters at the Port of Oakland.

**HONORABLE CITY COUNCIL**

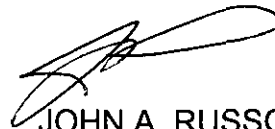
**Subject: Port Local 10 Warehouse and Longshoremen et al v. City of Oakland, et al.  
United States District Court Case No.: C 03-2962 TEH (JL)  
Our File No: X01958  
Sri Louise Coles et al. v. City of Oakland, et al.  
United States District Court Case No.: C 03-2961 TEH  
Our File No. 23333  
(Police Services Agency/ Excessive Force/Civil Rights Violation)**

**May 30, 2006**

**Page Two**

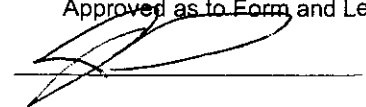
The City Attorney has prepared a Resolution authorizing and directing the City Attorney to compromise and settle the Local 10 Attorneys fees claims in accordance with the terms and conditions approved by City Council at the April 4, 2006 closed session.

Respectfully submitted,



**JOHN A. RUSSO**  
City Attorney

Attorney Assigned:  
Randolph W. Hall  
Doc. No. 371170



Oakland City Attorney's Office

OFFICE OF THE CITY CLERK  
OAKLAND  
2006 MAY 17 PM 5:25

# OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ 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

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.

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

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

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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

371171