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CITY OF OAKLAND



11 FEB -3 PM 4:35

ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CA 94612

Office of the City Attorney  
John A. Russo  
City Attorney

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February 15, 2011

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Frederick J. Gums v. City of Oakland, et al.**  
**United States District Court No. C-09-05536-EDL**  
**City Attorney's File No. 27196 (OAKLAND POLICE DEPARTMENT)**

President Reid and **Members of the City Council:**

Pursuant to §401 of the Charter, and the Council's approval of the settlement at its February 1, 2011 closed session, the City Attorney has prepared and recommends adoption of a resolution authorizing compromise and settlement of the above-entitled action for the sum of Seven Thousand Five Hundred Dollars and No Cents (\$ 7,500), payable to Frederick Gums and his attorney, John L. Burris.

This action arises out of a November 8, 2008 confrontation in which the plaintiff was arrested by Oakland police officers following a vehicle stop. The settlement is recommended to avoid the risk of a more adverse jury verdict should the matter be tried.

Respectfully submitted,

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

**JOHN A. RUSSO**  
City Attorney

**Attorneys Assigned:**  
Outside counsel

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OAKLAND CITY COUNCIL

2011 FEB -3 PM 4:41 RESOLUTION NO. \_\_\_\_\_ C.M.S.



JAR: WES

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF FREDERICK J. GUMS V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C-09-05536-EDL, CITY ATTORNEY FILE NO. 27196 IN THE AMOUNT OF \$ 7,500. (POLICE DEPARTMENT)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case Frederick J. Gums v. City of Oakland, et al., United States District Court Case No. C-09-05536-EDL, in the amount of Seven Thousand Five Hundred Dollars and No Cents (\$ 7,500), payable by the City of Oakland.

**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 Seven Thousand Five Hundred Dollars and No Cents (\$ 7,500), be made payable to Frederick Gums and his attorney, John L. Burris.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

**PASSED BY THE FOLLOWING VOTE:**

**AYES:**

**NOES:**

**ABSENT-**

**ABSTENTION-**

**ATTEST:**

\_\_\_\_\_  
**LATONDA SIMMONS**  
CITY CLERK AND CLERK OF THE COUNCIL  
OF THE CITY OF OAKLAND, CALIFORNIA