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Office of the City Attorney
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City Attorney

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July 6, 2004

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Samuel Joseph Yopez v. City of Oakland, et al.
Alameda County Superior Court Case No. 836215-7
Our File No. 20679 – Oakland Police Department
(Police Conduct)**

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 above-entitled matter arising from alleged civil rights violations during the arrest of the plaintiff for a total sum of Thirty-Five Thousand Dollars and No Cents (\$35,000.00), to be made payable to Samuel Joseph Yopez and Curtis G. Oler, Esq., his attorney.

The plaintiff alleges that on March 12, 2000, a police officer used excess force on the plaintiff during his transportation to the City jail. An independent witness and the subject officer confirm that excess force was used. This case was approved for settlement in closed session June 15, 2004.

The settlement is recommended to avoid the risk of an adverse verdict at trial and the additional exposure for attorney's fees should that occur.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
MARIA BEE

10.5 CC

ORA/COUNCIL

JUL 6 2004

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.



MXB/kj

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SAMUEL JOSEPH YEPEZ v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. 836215-7, OUR FILE NO. 20679, IN THE AMOUNT OF \$35,000.00. THIS CASE INVOLVES CLAIMS OF VIOLATIONS OF CIVIL RIGHTS AGAINST AN OAKLAND POLICE OFFICER. (OAKLAND POLICE DEPARTMENT – POLICE CONDUCT)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Samuel Joseph Yopez v. City of Oakland, et al., Alameda County Superior Court Case No. 836215-7, City Attorney's File No. 20679, 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 Samuel Joseph Yopez and Curtis G. Oler, Esq., his 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 Samuel Joseph Yopez and Curtis G. Oler, Esq., his attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

10.5cc

ORA/COUNCIL

JUL 6 2004

ATTEST: _____

CEDA FLOYD

City Clerk and Clerk of the Council
of the City of Oakland, California