

CITY OF OAKLAND



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Office of the City Attorney
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November 1, 2005

HONORABLE CITY COUNCIL

Oakland, California

**Subject: Lester Austin v. City of Oakland, et al.
Alameda County Superior Court Case No. 836240-3
Our File No. 20962 – 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 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-Seven Thousand Dollars and No Cents (\$37,000.00), to be made payable to Lester Austin and Garet O'Keefe, Esq., his attorney.

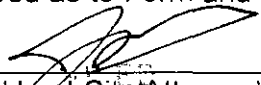
Plaintiff alleges excess force was used during his arrest on February 22, 2000. Mr. Austin claims that the officer struck him with a flashlight. The settlement is recommended to avoid the risk of an adverse verdict at trial and the additional exposure for attorney's fees should that occur. This case was discussed in closed session October 13, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John A. Russo', written over a white background.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Maria Bee


Oakland City Attorney's Office
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

05 OCT 19 AM 11:54

RESOLUTION No. _____ C.M.S.

MXB/kj:ke

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LESTER AUSTIN v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. 836240-3, OUR FILE NO. 20962, IN THE AMOUNT OF \$37,000.00. THIS CASE INVOLVES CLAIMS OF VIOLATIONS OF CIVIL RIGHTS AGAINST OAKLAND POLICE OFFICERS. (OAKLAND POLICE DEPARTMENT – POLICE CONDUCT)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Lester Austin v. City of Oakland, et al., Alameda County Superior Court Case No. 836240-3, City Attorney's File No. 20962, for a sum not to exceed a total of Thirty-Seven Thousand Dollars and No Cents (\$37,000.00) payable by the City of Oakland to Lester Austin and Garet O'Keefe, Esq., his attorney.

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-Seven Thousand Dollars and No Cents (\$37,000.00) be paid to Lester Austin and Garet O'Keefe, Esq., his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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