

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
TTY/TDD: (510) 238-3254

July 17, 2007

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

Subject: Nesby v. City of Oakland
United States District Court, No. C-05-03555
City Attorney File No. 23952 (Police Department)

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution authorizing and recommends settlement of the above-captioned matter, for the sum of \$175,000.

This action involves an excess force claim arising from the arrest and jailing of Ms. Stancy Nesby on September 4, 2004, under a mistaken warrant issued by San Francisco.

The settlement is within the amount authorized by City Council at the June 5, 2007 closed session.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Rachel Wagner

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK (RESOLUTION No. _____ C.M.S.



2007 JUL 15 PM 5:51

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF NESBY v. CITY OF OAKLAND, UNITED STATES DISTRICT COURT CASE NO. C-05-03555, IN THE AMOUNT OF \$175,000 (POLICE DEPARTMENT).

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Nesby v. City of Oakland, United States District Court Case No. C-05-03555, City Attorney's File No. 23952, for a sum not to exceed a total amount of \$175,000 payable by the City of Oakland.

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of One Hundred Seventy-Five Thousand Dollars and No Cents (\$175,000.00) be paid to Stancy Nesby and her attorneys of record Gonzales & Leigh LLP and Jivaka Candappa, Esq.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, KERNIHGAN, NADEL, REID, QUAN, BROOKS, 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