


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF KELLY PAWLIK, INDIVIDUALLY & AS SUCCESSOR-IN-INTEREST TO DECEDENT JOSHUA PAWLIK V. CITY OF OAKLAND, WILLIAM BERGER, INDIVIDUALLY & IN HIS OFFICIAL CAPACITY AS POLICE OFFICER FOR CITY OF OAKLAND; BRANDON HRAIZ, INDIVIDUALLY & IN HIS OFFICIAL CAPACITY AS POLICE OFFICER FOR CITY OF OAKLAND; CRAIG TANAKA, INDIVIDUALLY & IN HIS OFFICIAL CAPACITY AS POLICE OFFICER FOR CITY OF OAKLAND; FRANCISCO NEGRETE, INDIVIDUALLY & IN HIS OFFICIAL CAPACITY AS POLICE OFFICER FOR CITY OF OAKLAND; AND DOES 1-50 INDIVIDUALLY & IN THEIR OFFICIAL CAPACITIES AS POLICE OFFICERS FOR THE CITY OF OAKLAND, INCLUSIVE; UNITED STATES DISTRICT COURT CASE NO. 19-CV-00617-WHA, CITY ATTORNEY FILE NO. 32935, IN THE AMOUNT OF ONE MILLION FOUR HUNDRED THOUSAND DOLLARS AND NO CENTS (\$1,400,000.00) (OAKLAND POLICE DEPARTMENT – EXCESSIVE FORCE/ WRONGFUL DEATH)

WHEREAS, Plaintiff Kelly Pawlik alleges that Oakland Police Department Officers used excessive force and violated federal and state law when they used deadly force against her son, Joshua Pawlik, on March 11, 2018; and

WHEREAS, in responding to a 911 call concerning Mr. Pawlik, officers encountered him asleep or unconscious with a gun in hand between two houses. Four officers reported that they discharged their firearms after warnings were issued to Mr. Pawlik to drop a gun officers saw him holding, but he did not do so and raised the gun towards the officers. Ms. Pawlik disputes the officers' accounts and alleges that there was no immediate threat justifying the use of deadly force.

WHEREAS, Plaintiff filed the lawsuit listed above against the City of Oakland and Oakland Police officers alleging violations of federal and state law; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

WHEREAS, the City admits no wrongdoing or liability; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the United States District Court Case No. CV-19-00617-WHA for the total sum of One Million Four Hundred Thousand Dollars (\$1,400,000.00) payable to Kelly Pawlik and her counsel, the Law Offices of John Burris Client Trust Account; and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Kelly Pawlick and her counsel; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California

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