

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND



08 JUN -4 PM 3:34

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) 238-7367

June 17, 2008

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Fred Mestas and Kevin Johnson v. City of Oakland, et al.
California Court of Appeal Case No. A120153
City Attorney File No. X02962 (Oakland Police Department)**

President De La Fuente and Members of the City Council:

Pursuant to §401 of the Charter, the City Attorney has prepared a resolution and requests your approval of same, authorizing compromise and settlement of the above-entitled action in the total sum of Six Thousand Dollars and No Cents (\$6,000.00), payable to Fred Mestas and Kevin Johnson, and Harry S. Stern, their attorney.

The action claims the City deprived them of counsel during an Internal Affairs interview in violation of their rights under the Public Safety Officer Bill of Rights Act (Government Code Section 3300, *et seq.*). Mestas and Johnson seek statutory penalties, attorney's fees, and costs. In exchange for the above payment, Mestas and Johnson have agreed to dismiss their appeal and waive any additional fees and costs they may be entitled to as a result of bringing the lawsuit and pursuing their appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JA Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Jennifer A. Chin

[Signature]
Oakland City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

08 JUN -4 PM 3: 35

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF FRED MESTAS AND KEVIN JOHNSON V. CITY OF OAKLAND, ET AL., CALIFORNIA COURT OF APPEAL CASE NO. A120153, IN THE AMOUNT OF \$6,000.00 (OAKLAND POLICE DEPARTMENT)

WHEREAS, on November 30, 2006, Fred Mestas and Kevin Johnson filed a lawsuit alleging that claiming that the City deprived them of counsel during an Internal Affairs interview in violation of the Public Safety Officer Bill of Rights Act (California Government Code section 3300, et seq.); and

WHEREAS, Fred Mestas and Kevin Johnson have agreed to accept the amount of Six Thousand Dollars and No Cents (\$6,000.00), subject to approval of the Oakland City Council, as full settlement of their claims against the City in this referenced action; it is hereby

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Fred Mestas and Kevin Johnson v. City of Oakland, et al., California Court of Appeal Case No. A120153, City Attorney's File No. X02962 for a sum not to exceed a total amount of Six Thousand Dollars and No Cents (\$6,000.00).

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 Six Thousand Dollars and No Cents (\$6,000.00) be paid to Fred Mestas and Kevin Johnson and Harry S. Stern, their attorney of record.

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

DATE OF ATTESTATION: _____