

June 16, 2022

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Thursday, June 16, 2022*

Litigation Negotiations  
NAME OF ACTION:

**Anti Police-Terror Project, Community Ready Corps, Sean Canaday, Michael Cohen, Michael Cooper, Andrea Costanzo, Johnathan Farmer, Lindsey Filowitz, Danielle Gaito, Katie Johnson, Bryanna Kelly, Jennifer Li, Ian McDonnell, Melissa Miyara, Lindsey Morris, Leila Mottley, Niko Nada, Azize Ngo, Nicole Puller, Maria Ramirez, Akil Riley, Aaron Rogachevsky, Tara Rose, Ashwin Rupan, Daniel Sanchez, Christina Stewart, Tayah Stewart, Katherine Sugrue, Celeste Wong, And Qiaochu Zhang; on behalf of themselves and similarly situated individuals v. City of Oakland, OPD Police Chief Susan E. Manheimer, OPD Sergeant Patrick Gonzales, OPD Officer Maxwell D'orso and OPD Officer Casey Fought**  
United States District Court Case No. 4:20-CV-03866-JCS

This matter is listed as **Item No. 1(a)** on the Closed Session Agenda:

The council authorized settlement in the amount of **\$1,525,000.00**.

This case arose out of an incident occurring on **May 29 – June 1, 2020**.

**FACTS/ISSUES:**

Plaintiffs are 27 persons and two organizations that sued the City, former Interim Chief of Police Susan Manheimer, and three police officers, challenging the handling of protests in Oakland between May 29, 2020 and June 1, 2020. Plaintiffs claim violation of their right to free speech under the First Amendment, excessive force and false arrest in violation of the Fourth Amendment, violation of the right to substantive due process under the Fourteenth Amendment, violation of the Bane Act (Civ. Code § 52.1), and claims for assault and battery, false arrest, and negligence.

The district court previously entered a preliminary injunction against the City, restricting certain elements of the City's crowd control policy and practices. Certain claims for injunctive relief have been certified as a class action, and the settlement of the claims for permanent injunctive relief and attorneys' fees must be approved by the Court.

The parties have reached a settlement on permanent injunctive relief, attorneys' fees and costs up to the amount of \$1.2 million, and the damages claims of 25 individuals totaling \$325,000. The claims of two plaintiffs are not settling at this time.

Motion Made by: **Councilmember Gallo**  
Motion Seconded by: **Vice Mayor Kaplan**

**AYES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas= 6**

**NOES: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=**

**ABSENT: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=2**

**ABSTENTIONS: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao and President Fortunato Bas=**