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CITY OF OAKLAND



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November 18, 2014

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Estate of Matthew Cicelske v. City of Oakland  
United States District Court No. C13-0379 JSC  
City Attorney File No. 28691  
(Oakland Police Department – Police Shooting)**

President Kernighan and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) payable to Anita Barone, Cameron Cicelske, by and through his guardian *ad litem*, Justin Owens; Antonio Cicelske; and Benjamin Cicelske; and their attorney, Ben Rosenfeld.


This action arises out of an incident on January 29, 2011 in which Oakland Police Officers, responding to reports of an armed man, confronted and fatally shot Matthew Cicelske. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict.

The Council authorized settlement of this case in Closed Session on Tuesday, July 15, 2014 and Wednesday, November 5, 2014 (moved by Councilmember Schaaf and seconded by Councilmember Kalb - 8 Ayes.

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

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Office of the City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ESTATE OF MATTHEW CICELSKA, ET. AL. v. CITY OF OAKLAND, ET. AL., UNITED STATES DISTRICT COURT CASE NO. C-13-0379 JSC, CITY ATTORNEY'S FILE NO. 28691 IN THE AMOUNT OF SEVENTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00) AS A RESULT OF AN OFFICER INVOLVED SHOOTING ON OR ABOUT JANUARY 29, 2011 (OAKLAND POLICE DEPARTMENT-POLICE SHOOTING)**

**WHEREAS**, on January 29, 2011, Oakland Police officers responding to reports of an armed man confronted and fatally shot Matthew Cicelske.

**WHEREAS**, the Plaintiffs filed the above entitled lawsuit seeking damages for said injuries, and

**WHEREAS**, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; now therefore, be it

**RESOLVED**: That the City Attorney is authorized and directed to settle the matter of Estate of Matthew Cicelske, et al. v. City of Oakland, et al., United States District Court Case No. C-13-0379 JSC, City Attorney File No. 28691 for the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) payable to plaintiffs Anita Barone; Cameron Cicelske, by and through his guardian *ad litem*, Justin Owens; Antonio Cicelske; and Benjamin Cicelske; and their attorney, Ben Rosenfeld, and be it

**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 Seventy-Five Thousand Dollars and No Cents (\$ 75,000.00) be made payable to plaintiffs Anita Barone; Cameron Cicelske, by and through his guardian *ad litem*, Justin Owens; Antonio Cicelske; and Benjamin Cicelske; and their attorney, Ben Rosenfeld.

IN COUNCIL, OAKLAND, CALIFORNIA,

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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