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# CITY OF OAKLAND



09 SEP 22 PM 3:03

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Office of the City Attorney  
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October 6, 2009

## HONORABLE CITY COUNCIL

Oakland, California

Re: Charles Davis, Jr. v. City of Oakland  
Our File No.: 25878  
United District Court No. C08-04538 JCS

President Brunner and Members of the City Council:

Pursuant to §401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action in the total amount of One Million Two Hundred Thousand Dollars (\$1,200,000.00) payable to Charles Davis, Jr. and his attorney, Richard J. Simons.

This suit stems from injuries suffered during an officer involved shooting on January 15, 2007.

This settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict and is within the authority extended by the City Council during the June 2, 2009 closed session

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John A. Russo".

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Stephen Q. Rowell

OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

2009 SEP 22 PM 4:28

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF CHARLES DAVIS, JR. V. THE CITY OF OAKLAND, ET AL., U.S. DISTRICT COURT ACTION NO. C08-04538 JCS, OUR FILE NO. 25878, IN THE AMOUNT OF ONE MILLION TWO HUNDRED THOUSAND (\$1,200,000.00). THIS CASE INVOLVES ALLEGED USE OF EXCESS POLICE FORCE. (PSA)**

JAR:SGR<sup>N</sup>

**WHEREAS:** Charles Davis Jr. claims that he was injured as the result of excess police force;

**WHEREAS:** Settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict.

**RESOLVED:** That the City Attorney is authorized and directed to settle the case of Charles Davis, Jr. v. The City of Oakland, et al., United States District Court Action No. C08-04538 JCS, in the in the total amount of One Million Two Hundred Thousand Dollars (\$1, 200,000.00) to be paid to Charles Davis, Jr. and his attorney, Richard J. Simons.

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

**FURTHER RESOLVED:** That the total amount of One Million Two Hundred Thousand Dollars (\$1, 200,000.00) to be paid to Charles Davis, Jr. and his attorney, Richard J. Simons to settle the claims in this lawsuit.

IN COUNCIL, OAKLAND, CALIFORNIA.

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, DE LA FUENTE KAPLAN, KERNIGHAN, NADEL, QUAN,  
REID AND PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

Attest: \_\_\_\_\_

LATONDA SIMMONS

CITY CLERK AND CLERK OF THE COUNCIL