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CITY OF OAKLAND



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Office of the City Attorney  
John A. Russo  
City Attorney

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July 20, 2004

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Gary Deskins, et al. v. City of Oakland, et al.  
United States District Court No. C-03-3653-VRW  
Our File No. 23467 (OAKLAND POLICE DEPARTMENT –  
UNLAWFUL SEARCH AND SEIZURE)**

President De La Fuente and Members of the City Council:

Pursuant to Section 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 for the sum of Forty Thousand Dollars and No Cents (\$40,000.00) payable to Plaintiffs Gary Deskins, Kusum Deskins, and Ashoka Deskins, a minor, by and through his guardian ad litem, Kusum Deskins, and James B. Chanin, their attorney.

This case arises out of Oakland Police Department officers' forced entry into and search of plaintiffs' home pursuant to a warrant containing erroneous information. The settlement is recommended to avoid a potentially much larger adverse jury verdict. This matter was heard by the City Council in Closed Session on June 15, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "John A. Russo".

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Arlene M. Rosen  
324245

10.300  
CITY COUNCIL  
JUL 20 2004

OAKLAND CITY COUNCIL

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



AMR/bjw

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF GARY DESKINS, ET AL. V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C-03-3653-VRW, OUR FILE NO. 23467, IN THE AMOUNT OF \$40,000.00 (OAKLAND POLICE DEPARTMENT – WARRANTLESS SEARCH)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Gary Deskins, et al. v. City of Oakland, et al., City Attorney's File No. 23467, for a sum not to exceed Forty Thousand Dollars and No Cents (\$40,000.00) made payable to Gary Deskins, Kusum Deskins, and Ashoka Deskins, a minor, by and through his guardian ad litem, Kusum Deskins, and James B. Chanin, their attorney.

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

**FURTHER RESOLVED:** That the sum of Forty Thousand Dollars and No Cents (\$40,000.00) made payable Gary Deskins, Kusum Deskins, and Ashoka Deskins, a minor, by and through his guardian ad litem, Kusum Deskins, and James B. Chanin, their attorney.

IN COUNCIL, OAKLAND, CALIFORNIA

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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

CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

**10.3cc**  
CITY COUNCIL  
JUL 20 2004