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CITY OF OAKLAND



08 JUL -2 PM 1:31

ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
John A. Russo  
City Attorney

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July 15, 2008

**HONORABLE CITY COUNCIL**  
Oakland, California

Subject: **Jane Smith, et al. v. City of Oakland**  
**United States District Court No.: C 06-07171 MMC (JCS)**  
**City Attorney File No. X02981 (OPD)**

President De La Fuente and Members of the City Council:

Pursuant to §401 of the Charter, and the action of the Council at its July 15, 2008 closed session, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action in the total sum of Two Million Dollars (\$2,000,000.00), made payable to the James B. Chanin Client Trust Account.

The sixteen plaintiffs allege that an Oakland Police officer improperly stopped their vehicles at various times in 2005 and made unwanted verbal and physical advances during the course of the traffic stops. The officer was terminated by the Police Department and prosecuted by the District Attorney's Office for criminal civil rights violations and served time in jail. This matter was considered by the City Council at its July 15, 2008 closed session.

This settlement is recommended as a compromise of this matter and to avoid an adverse jury verdict and exposure to civil penalties and attorney's fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John A. Russo', written in a cursive style.

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
William E. Simmons

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OAKLAND CITY COUNCIL

2008 JUL 10 PM 4:09 RESOLUTION No. \_\_\_\_\_ C.M.S.

WES *(signature)*

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF JANE SMITH, ET AL. V. CITY OF OAKLAND, U.S. DISTRICT COURT ACTION NO. C06-07171 MMC (JCS), OUR FILE NO. X02981, IN THE AMOUNT OF \$2,000,000.00. THIS CASE INVOLVES ALLEGED CIVIL RIGHTS VIOLATIONS (POLICE DEPARTMENT)**

**RESOLVED:** That the City Attorney is authorized and directed to settle the case of Jane Smith, et al. v. City of Oakland, U.S. Northern District Court Action No. 06-07171 MMC (JCS), Our File No. X02981 (POLICE DEPARTMENT), for the sum of Two Million Dollars (\$2,000,000).

**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 sum of Two Million Dollars (\$2,000,000) be paid to the James B. Chanin Client Trust Account in two installments of \$ 1 million each, payable on July 27, 2008 and July 15, 2009.

In Council, Oakland, California.

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

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

LATONDA SIMMONS

CITY CLERK AND CLERK OF THE COUNCIL