

CITY OF OAKLAND



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Office of the City Attorney
John A. Russo
City Attorney

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March 2, 2005

HONORABLE CITY COUNCIL
Oakland, California

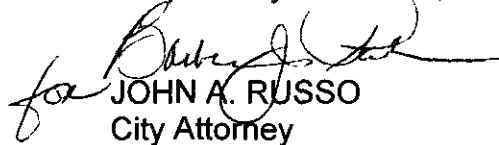
Subject: *Michael Muscadine, et al. v. City of Oakland, et al*
Alameda County Superior Court Case No. 2002-046671
Our File No. 22119 – Oakland Police Department
Police Misconduct/

Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled matter arising from claims of excess force by members of the Oakland Police Department on February 18, 2001. This matter was heard in closed session on February 15, 2005,

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00), to be made payable to Michael Muscadine and Gary Alexander, Esq., his attorney of record.

Respectfully submitted,


for JOHN A. RUSSO
City Attorney

Attorney Assigned:
James F. Hodgkins

337245

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

FILED
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OAKLAND
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RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MICHAEL MUSCADINE v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. 2002-046671, OUR FILE NO. 22119, IN THE AMOUNT OF \$150,000.00. THIS CASE INVOLVES CLAIMS OF EXCESS FORCE AGAINST MEMBERS OF THE OAKLAND POLICE DEPARTMENT ON FEBRUARY 18, 2001. (OAKLAND POLICE DEPARTMENT)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Michael Muscadine, et al. v. City of Oakland, et al., Alameda County Superior Court Case No. 2002-046671, City Attorney's File No. 22119, for a sum not to exceed a total of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) payable by the City of Oakland to Michael Muscadine and Gary Alexander, Esq., his attorney of record.

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 One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) be paid to Michael Muscadine and Gary Alexander, Esq., his attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Interim City Clerk and Interim Clerk of the
Council of the City of Oakland