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CITY OF OAKLAND

CITY OF OAKLAND



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January 4, 2005

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

Subject: Daniel Hagen, Lynda O'Neil v. City of Oakland.
Superior Court Case No. 841695-7
Our Case File No. 20994 (Oakland Police Department)

Pursuant to Section 401 of the Charter, the City Attorney recommends settlement of the above-entitled matter arising out of the confiscation of property at the residence of 5268 Shafter Avenue on May 27, 2000. Plaintiffs claim that the seizure was illegal, and that their subsequent arrest was without basis.

Due to the risk of an adverse jury verdict, settlement is recommended in the amount of Fifteen Thousand Dollars (\$15,000.00), payable to Daniel Hagen, Lynda O'Neil, and William G. Panzer, their attorney of record.

The matter was heard in closed session on December 21, 2004.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Rachel Wagner

333422

OAKLAND CITY COUNCIL

RWN

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION No. _____ C.M.S.

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RZW/rzw

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DANIEL HAGEN, LYNDA O'NEIL. v. CITY OF OAKLAND, ET AL., SUPERIOR COURT CASE NO. 841695-7, OUR FILE NO. 20994, A POLICE CONDUCT CASE IN THE AMOUNT OF \$15,000.00 (OAKLAND POLICE DEPARTMENT). MR. HAGEN AND MS. O'NEIL ALLEGE THAT PROPERTY WAS ILLEGALLY CONFISCATED FROM THEIR HOME ON MAY 27, 2000, AND THAT THEIR SUBSEQUENT ARREST WAS WITHOUT BASIS.

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Daniel Hagen, Lynda O'Neil v. City of Oakland, et al., City Attorney's File No. 20994, for a sum not to exceed Fifteen Thousand Dollars and No Cents (\$15,000.00) made payable to Daniel Hagen, Lynda O'Neil and William Panzer, their 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 Fifteen Thousand Dollars and No Cents (\$15,000.00) be made payable to Daniel Hagen, Lynda O'Neil and William Panzer, their attorney of record.

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