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OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK
OAKLAND

77672

RESOLUTION No. _____ C.M.S.

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RWH/ssl

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DELPHINE ALLEN ET AL. V. CITY OF OAKLAND, ET AL. ("RIDERS LITIGATION"), UNITED STATES DISTRICT COURT CASE NO. C00-4599 TEH (JL) , OUR FILE NO. 20752, AS FOLLOWS: THE SUM OF ONE MILLION EIGHT HUNDRED NINETY-ONE THOUSAND NINE HUNDRED FIFTY DOLLARS AND NO CENTS (\$1,891,950.00), AS PAYMENT OF INDIVIDUAL DAMAGES CLAIMS; THE SUM OF FOUR HUNDRED FORTY THOUSAND DOLLARS AND NO CENTS (\$440,000.00) FOR PLAINTIFFS' ATTORNEYS FEES AND COSTS INCURRED LITIGATING THE SYSTEMIC RELIEF ALLEGATIONS; AND A SUM NOT TO EXCEED FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00) AS FURTHER ATTORNEYS FEES AND/OR COSTS OVER THE FIVE-YEAR TERM OF THE COURT APPROVED SETTLEMENT AGREEMENT. (POLICE DEPARTMENT - POLICE CONDUCT)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Delphine Allen et al. v. City of Oakland, et al., City Attorney's File No. 20752, as follows: the sum of one million eight hundred ninety-one thousand nine hundred fifty dollars and no cents (\$1,891,950.00) made payable to Simoncini & Associates Attorney/Client Trust Account for Allen, et al. v. City of Oakland, et al. as payment of individual damages claims; the sum of four hundred forty thousand dollars and no cents (\$440,000.00) made payable to James B. Chanin Trust Account as payment for plaintiffs' attorneys fees and costs incurred litigating the systemic relief allegations; and a sum not to exceed fifty thousand dollars and no cents (\$50,000.00) as attorneys fees and/or costs, made payable cumulatively to plaintiffs' counsel, John L. Burns, Esq., James B. Chanin, Esq. and John Houston Scott, Esq. over the five-year term of the Court Approved Settlement Agreement; and be it

FURTHER RESOLVED: That payment of the aforesaid \$50,000.00 or any portion of that amount shall be made from the Public Liability Fund only upon proof satisfactory to the City and/or the United States District Court that the work performed by plaintiffs' counsel was reasonably necessary to further compliance with the Court Approved Settlement in this action; and be it

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 million eight hundred ninety-one thousand nine hundred fifty dollars and no cents (\$1,891,950.00) made payable to Simoncini & Associates Attorney/Client Trust Account for Allen, et al. v. City of Oakland, et al. as payment of individual damages claims; the sum of four hundred forty thousand dollars and no cents (\$440,000.00) made payable to James B. Chanin Trust Account as payment for plaintiffs' attorneys fees and costs incurred litigating the systemic relief allegations; and a sum not to exceed fifty thousand dollars and no cents (\$50,000.00) as attorneys fees and/or costs, made payable cumulatively to plaintiffs' counsel, John L. Burns, Esq., James B. Chanin, Esq. and John Houston Scott, Esq. over the five-year term of the Court Approved Settlement Agreement. Payment of the \$50,000.00 or any portion of that amount shall be made from the Public Liability Fund only upon proof satisfactory to the City and/or the United States District Court that the work performed by plaintiffs' counsel was reasonably necessary to further compliance with the Court Approved Settlement in this action.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:


MAR 04 2003

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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