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CITY OF OAKLAND



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April 6, 2004

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

Subject: Fuentes et al. v. Ramos et.al.
United States District Court No. C-004647 CW
Our File No. 20481

Pursuant to §401 of the Charter, and the action of the Council at its March 16, 2004 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 sum of Four Hundred Fifty Thousand Dollars (\$450,000.00), payable to the attorney trust account of Walter Riley, Esq., attorney for the plaintiffs.

This action arises out of arrests on December 24, 1999. The plaintiffs conted that the officers wrongfully arrested them and used excessive force. The officers deny plaintiffs' allegations. This settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict should the matter be tried.

Respectfully submitted,

A handwritten signature in cursive that reads "John A. Russo".

JOHN A. RUSSO
City Attorney

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CRA/COUNCIL

APR 06 2004

OAKLAND CITY COUNCIL

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OFFICE OF THE CITY CLERK
CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

2004 MAR 17 PM 4:03

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF GUSTAVO FUENTES v. OFFICER A. RAMOS, ET AL., UNITED STATES DISTRICT COURT CASE NO. C-004647 CW, OUR FILE NO. 20481, IN THE AMOUNT OF \$450,000.00. THIS CASE INVOLVES A CLAIM OF USE OF EXCESSIVE FORCE AND FALSE ARREST. (OAKLAND POLICE DEPARTMENT- ALLEGED CIVIL RIGHTS VIOLATION)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Gustavo Fuentes et al. v. Officer A. Ramos, et al., United States District Court No. C-004647 CW, our file No. 20481 for a sum not to exceed a total of Four Hundred Fifty Thousand Dollars (\$450,000.00), payable to the attorney trust account of Walter Riley, attorney for the plaintiffs;

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 Four Hundred Fifty Thousand Dollars (\$450,000.00) be paid to the attorney trust account of Walter Riley, attorney for the plaintiffs.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

- AYES- BRUNNER, CHANG, DE LA FUENTE, MAYNE, NADEL, REID, QUAN and WAN
- NOES-
- ABSENT-
- ABSTENTION-

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

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CRA/COUNCIL
APR 06 2004