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CITY OF OAKLAND



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Office of the City Attorney
John A. Russo
City Attorney

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May 4, 2004

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

Subject: Lenard Miller v. City of Oakland
United States District Court No. C 00 1801 MJJ
City Attorney File No.: 990365

Pursuant to §401 of the Charter, and the action of the Council at its April 20, 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 Nineteen Thousand Nine Hundred Dollars (\$19,900.00), payable to Lenard Miller, Belinda Miller and their attorney, Wayne Johnson, Esq.

This action arises out of the arrests of Belinda and Lenard Miller on July 4, 1999. They contend they were falsely arrested and that the officers used excessive force against them. The officers deny their 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 black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

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COUNCIL

MAY 4 2004

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.



WES/csa

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LENARD MILLER, ET AL V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C 00 1801 MJJ, OUR FILE NO. 990365, IN THE AMOUNT OF \$19,900.00. THIS CASE INVOLVES ALLEGATIONS OF FALSE ARREST AND EXCESSIVE FORCE. (OAKLAND POLICE DEPARTMENT-ALLEGED CIVIL RIGHTS VIOLATION)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Lenard Miller, et al. v City of Oakland et al., United States District Court Case No. C 00 1801 MJJ, City Attorney's File No. 990365 for a sum not to exceed a total of Nineteen Thousand Nine Hundred Dollars (\$19,900.00.), payable to payable to Lenard Miller, Belinda Miller and their attorney, Wayne Johnson, Esq.

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 Nineteen Thousand Nine Hundred Dollars (\$19,900.00), payable to Lenard Miller, Belinda Miller and their attorney, Wayne Johnson, Esq.

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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CITY COUNCIL

MAY 4 2004