

CITY OF OAKLAND



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April 4, 2006

HONORABLE CITY COUNCIL
Oakland, California

Subject: Port Local 10 Warehouse and Longshoremen et al v. City of Oakland, et al.
United States District Court Case No.: C 03-2962 TEH (JL)
Our File No: X01958
Sri Louise Coles et al. v. City of Oakland, et al.
United States District Court Case No.: C 03-2961 TEH
Our File No. 23333
(Police Services Agency/ Excessive Force/Civil Rights Violation)

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 claims of the plaintiffs as set forth in this document. Each of the plaintiffs is a party in the above referenced litigation. Each plaintiff alleges that Oakland Police Officers violated his or her civil rights on April 7, 2003 during operations to disperse anti-war protesters at the Port of Oakland.

These settlements, which were approved by the City Council on February 7, 2006 at closed session, represent settlement of the 12 remaining individual plaintiff claims in the Oakland Port litigation. Settlement of these cases will exceed the City's Self Insured Retention under its insurance policy with the California State Association of Counties (CSAC). The City of Oakland has received settlement authority for each of these cases and for the amounts set forth below from CSAC. The CSAC policy requires that the City issue the settlement checks in order to receive reimbursement from CSAC. We recommend final approval of these settlements so that the settlement checks may be issued which will enable the City to receive full reimbursement from CSAC of these settlement amounts.

The settlement of these claims in the amount of Three Hundred Ninety-Three Thousand Seven Hundred Fifty Dollars and No Cents (\$393,750.00) is to be in the form of separate drafts payable to the following plaintiffs in the following amounts and to their respective attorneys of record John L. Burris, James B. Chanin, Robert S. Remar or Haddad and Sherwin:

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- Twenty-Five Thousand dollars (\$25,000.00) payable to Alan Chapman and John L. Burris, his attorneys;
- Twenty Thousand dollars (\$20,000.00) payable to Christopher Clay and John L. Burris, his attorneys;
- Twenty Thousand dollars (\$20,000.00) payable to Ernest Evans and John L. Burris, his attorneys;
- One Hundred Thirty-Five Thousand dollars (\$135,000.00) payable to Billy Kepo'o and John L. Burris, his attorneys;
- Twenty Thousand dollars (\$20,000.00) payable to Lawrence Massey and John L. Burris, his attorneys;
- Twenty Thousand dollars (\$20,000.00) payable to Byron Moore and John L. Burris, his attorneys;
- Twenty-Five Thousand dollars (\$25,000.00) to Jack Heyman. The draft for payment for Mr. Heyman is to be made payable to "James B. Chanin Trust Account". Jack Heyman's name shall not appear as payee;
- Thirty Thousand dollars (\$30,000.00) payable to Scott Bohning and Haddad & Sherwin, his attorneys;
- Ten Thousand dollars (\$10,000.00) payable to Jennifer Hanson and Haddad and Sherwin, her attorneys;
- Thirty-One Thousand Two Hundred Fifty dollars (\$31,250.00) payable to Lindsey Parkinson and Haddad and Sherwin, her attorneys;
- Forty-Eight Thousand dollars (\$48,000.00) payable to Ron Smith and Haddad and Sherwin, his attorneys; and,
- Nine Thousand Five Hundred dollars (\$9,500.00) payable to Port Local 10 Warehouse and Longshoremen and Robert S. Remar, its attorneys.

Respectfully submitted,



JOHN A. RUSSO
City Attorney

Attorney Assigned:
Randolph W. Hall
Doc. No. 363449

RLOH

Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIMS IN THE AMOUNTS SPECIFIED OF EACH PLAINTIFF AS SET FORTH IN THE BODY OF THIS RESOLUTION. EACH PLAINTIFF IS A PARTY IN THE CONSOLIDATED MATTERS OF PORT LOCAL 10 WAREHOUSE AND LONGSHOREMEN ET AL. ("LOCAL 10") V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C03-2962 TEH (JL), OUR FILE NO. X01958 AND SRI LOUISE COLES ET AL. V. CITY OF OAKLAND ET AL., UNITED STATES DISTRICT COURT CASE NO. C03-2961 TEH, OUR FILE NO. 23333. THIS SETTLEMENT IS FOR A SUM NOT TO EXCEED A TOTAL OF THREE HUNDRED NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND NO CENTS (\$393,750.00) PAYABLE TO THE PLAINTIFFS IN THE AMOUNTS SET FORTH IN THE BODY OF THIS RESOLUTION AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD JOHN L. BURRIS, JAMES B. CHANIN, ROBERT S. REMAR OR HADDAD AND SHERWIN. PLAINTIFFS' LAWSUITS ARISE FROM THE APRIL 7, 2003 PORT OF OAKLAND POLICE ACTION (EXCESSIVE FORCE/CIVIL RIGHTS VIOLATION)

WHEREAS, on June 26, 2003 and on July 8, 2003 the settling plaintiffs filed actions that were consolidated into the referenced lawsuits alleging, inter alia, that Oakland Police Officers violated their civil rights protected by the Constitutions and laws of the United States of America and the State of California in that they were subjected to excess force and that their 1st Amendment Rights of speech and association were violently interfered with; and

WHEREAS, on February 7, 2006 after careful and due consideration, the Oakland City Council at closed session authorized settlement in this referenced matter of Alan Chapman's claims for the amount of Twenty-Five Thousand Dollars and No Cents (\$25,000.00); Christopher Clay's claims for the amount of Twenty Thousand Dollars and No Cents (\$20,000.00); Ernest Evans' claims for the amount of Twenty Thousand Dollars and No Cents (\$20,000.00); Billy Kepo'o's claims for the amount of One Hundred Thirty-

Five Thousand Dollars and No Cents (\$135,000.00); Lawrence Massey's claims for the amount of Twenty Thousand Dollars and No Cents (\$20,000.00); Byron Moore's claims for the amount of Twenty Thousand Dollars and No Cents (\$20,000.00); Jack Heyman's claims for the amount of Twenty-Five Thousand Dollars and No Cents (\$25,000.00); Scott Bohning's claims for the amount of Thirty Thousand Dollars and No Cents (\$30,000.00); Jennifer Hanson's claims for the amount of Ten Thousand Dollars and No Cents (\$10,000.00); Lindsey Parkinson's claims for the amount of Thirty-One Thousand Two Hundred Fifty Dollars and No Cents (\$31,250.00); Ron Smith's claims for the amount of Forty-Eight Thousand Dollars and No Cents (\$48,000.00); and Local 10's claims for the amount of Nine Thousand Five Hundred Dollars and No Cents (\$9,500.00); and

WHEREAS, the above referenced plaintiffs have agreed to accept the settlements in the amounts set forth above which total Three Hundred Ninety-Three Thousand Seven Hundred Fifty Dollars and No Cents (\$393,750.00) as full settlement of their claims in this referenced action; now therefore, be it

RESOLVED, that the City Attorney is authorized and directed to compromise and settle the claims of the plaintiffs in the matters of Port Local 10 Warehouse and Longshoremen et al. v. City of Oakland, et al., United States District Court Case No. C03-2962 TEH (JL), our file no. X01958 which is consolidated with the matter of Sri Louise Coles et al. v. City of Oakland et al., United States District Court Case No. C03-2961 TEH, our file no. 23333, for a sum not to exceed a total of Three Hundred Ninety-Three Thousand Seven Hundred Fifty Dollars and No Cents (\$393,750.00) payable to the following plaintiffs in the following amounts and to their respective attorneys of record John L. Burris, James B. Chanin, Robert S. Remar or Haddad and Sherwin:

- Twenty-Five Thousand dollars (\$25,000.00) payable to Alan Chapman and John L. Burris, his attorneys;
- Twenty Thousand dollars (\$20,000.00) payable to Christopher Clay and John L. Burris, his attorneys;
- Twenty Thousand dollars (\$20,000.00) payable to Ernest Evans and John L. Burris, his attorneys;
- One Hundred Thirty-Five Thousand dollars (\$135,000.00) payable to Billy Kepo'o and John L. Burris, his attorneys;
- Twenty Thousand dollars (\$20,000.00) payable to Lawrence Massey and John L. Burris, his attorneys;
- Twenty Thousand dollars (\$20,000.00) payable to Byron Moore and John L. Burris, his attorneys;
- Twenty-Five Thousand dollars (\$25,000.00) to Jack Heyman. The draft for payment for Mr. Heyman is to be made payable to "James B. Chanin Trust Account". Jack Heyman's name shall not appear as payee;
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- Thirty-One Thousand Two Hundred Fifty dollars (\$31,250.00) payable to Lindsey Parkinson and Haddad and Sherwin, her attorneys;
- Forty-Eight Thousand dollars (\$48,000.00) payable to Ron Smith and Haddad and Sherwin, his attorneys; and,
- Nine Thousand Five Hundred dollars (\$9,500.00) payable to Port Local 10 Warehouse and Longshoremen and Robert S. Remar, its attorneys.

FURTHER RESOLVED, that the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA, April __, 2006
PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California