

CITY OF OAKLAND



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April 18, 2023

HONORABLE CITY COUNCIL
Oakland, California

Subject: Anti Police-Terror Project, Community Ready Corps, Sean Canaday, Michael Cohen, Michael Cooper, Andrea Costanzo, Johnathan Farmer, Lindsey Filowitz, Danielle Gaito, Katie Johnson, Bryanna Kelly, Jennifer Li, Ian McDonnell, Melissa Miyara, Lindsey Morris, Leila Mottley, Niko Nada, Azize Ngo, Nicole Puller, Maria Ramirez, Akil Riley, Aaron Rogachevsky, Tara Rose, Ashwin Rupan, Daniel Sanchez, Christina Stewart, Tayah Stewart, Katherine Sugrue, Celeste Wong, And Qiaochu Zhang; on behalf of themselves and similarly situated individuals v. City of Oakland, OPD Police Chief Susan E. Manheimer, OPD Sergeant Patrick Gonzales, OPD Officer Maxwell D'Orso and OPD Officer Casey Fought
United States District Court Case No. 4:20-CV-03866-JCS
City Attorney File No. X05141
(Oakland Police Department – Crowd Control)

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the claim of Plaintiff Lindsey Morris in the above-entitled lawsuit for the sum of: One Hundred Ninety-Nine Thousand Dollars and No Cents (\$199,000.00), payable to Lindsey Morris in the manner specified by Plaintiffs' counsel.

Plaintiff is one of 27 persons and two organizations that sued the City, former Interim Chief of Police Susan Manheimer, and three police officers. Plaintiffs challenged the handling of protests in Oakland between May 29, 2020 and June 1, 2020. Morris claims violation of their right to free speech under the First Amendment, excessive force and false arrest in violation of the Fourth Amendment, violation of the right to substantive due process under the Fourteenth Amendment, violation of the Bane Act (which provides protection from interference with the exercise of constitutional or civil rights), and common law claims for assault and battery, false arrest, and negligence. Morris suffered a serious ankle fracture when a crowd ran following a deployment of tear gas in the area of 7th Street and Broadway on May 29, 2020. The claims for

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injunctive relief, attorneys' fees and costs, and the damages claims of 25 of the 27 individual plaintiffs were previously resolved through settlement.

The City Council authorized settlement of this claim in Closed Session on Thursday, March 16, 2023 (moved by Councilmember Carroll Fife and seconded by Councilmember Noel Gallo - 7 Ayes, 1 absent – President Pro Tem Dan Kalb).

Respectfully submitted,



BARBARA J. PARKER
City Attorney

Assigned Attorney:
Kevin P. McLaughlin