


City Attorney's Office

2023 APR -6 AM 4:51
FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

RESOLUTION NO. 89655 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF LINDSEY MORRIS IN THE LAWSUIT FILED ON BEHALF OF 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 FOR THE SUM OF ONE HUNDRED NINETY-NINE THOUSAND DOLLARS AND NO CENTS (\$199,000.00), ARISING FROM THE OAKLAND POLICE DEPARTMENT'S RESPONSE TO DEMONSTRATIONS IN OAKLAND ON MAY 29, 2020. (POLICE DEPARTMENT – CROWD CONTROL)

WHEREAS, following the murder of George Floyd there were large demonstrations in the City of Oakland on May 29, 2020, during which several persons threw objects at Oakland Police Department officers; and

WHEREAS, Oakland Police Department officers deployed tear gas in the area of 7th Street and Broadway; and

WHEREAS, Plaintiff Lindsey Morris alleges they suffered physical injuries and injuries to their civil rights, including a fractured ankle, when a crowd ran in response to the deployment of tear gas, causing Morris to fall and be stepped upon; and

WHEREAS, Morris and other plaintiffs filed *Anti Police-Terror Project, et al. v. City of Oakland, et al.*, U.S. District Court, Northern District of California Case No. 4:20-CV-03866-JCS against the City of Oakland, former Interim Chief of Police Susan Manheimer, Officer Maxwell D'Orso, and Officer Casey Fought, alleging violation of Plaintiffs' 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; and

WHEREAS, Morris's claims for injunctive relief, attorneys' fees, and costs were previously resolved through settlement, along with the damages claims of 25 of the 27 individual plaintiffs; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise the claim of Morris in the amount of One Hundred Ninety-Nine Thousand Dollars and No Cents (\$199,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the claims of Plaintiff Lindsey Morris in the amount of One Hundred Ninety-Nine Thousand Dollars and No Cents (\$199,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

APR 18 2023

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
~~PRESIDENT FORTUNATO-BAS~~ 7

NOES ~~0~~

ABSENT ~~0~~

ABSTENTION ~~0~~

EXCUSED: 1 - BAS

ATTEST:



ASMA REED

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