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OAKLAND


APPROVED AS TO FORM AND LEGALITY

12 MAY -2 PM 3:06

OAKLAND CITY COUNCIL

RESOLUTION NO. 83836 C.M.S.

AMR/ca

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO PAY PLAINTIFFS' ATTORNEYS' FEES INCURRED IN THE CASE OF JOHN SMITH (SPENCER LUCAS AND KIRBY BRADSHAW) v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. C-0706298 SI, OUR FILE NO. SS25818, IN THE AMOUNT OF \$832,639.41 (OAKLAND POLICE DEPARTMENT – UNLAWFUL SEARCH)

WHEREAS, on August 4, 2011, the trier of fact issued her Findings of Fact and Conclusions of Law following a court trial of the above-captioned lawsuit filed by Plaintiffs Spencer Lucas and Kirby Bradshaw against the City of Oakland and Oakland Police Department Officer Ingo Mayer, in which they alleged that on December 15, 2005, they were subjected to a vehicle stop and search of their persons in violation of their constitutional rights,

WHEREAS, the trier of fact found in favor of Plaintiffs Spencer Lucas and Kirby Bradshaw,

WHEREAS, as the prevailing parties, Plaintiffs Spencer Lucas and Kirby Bradshaw are statutorily entitled to an award of attorneys' fees incurred in connection with litigation, pre-trial, trial and post-trial work performed in connection with the above-captioned lawsuit,

WHEREAS, the Law Offices of John L. Burris and Haddad & Sherwin, attorneys of record for Plaintiffs Spencer Lucas and Kirby Bradshaw, have substantiated their claimed fees with timekeeping records of work performed in the above-captioned lawsuit,

RESOLVED: That the City Attorney is authorized and directed to pay attorneys' fees in the case of John Smith (Spencer Lucas and Kirby Bradshaw) v. City of Oakland, et al., United States District Court No.C-0706298 SI, City Attorney's File No.SS25818, for a sum not to exceed Eight Hundred Thirty-Two Thousand, Six Hundred and Thirty-nine Dollars and Forty-One Cents (\$832,639.41), payable to the Law Offices of John L. Burris in the amount of Three Hundred Eighty-Nine Thousand, Four Hundred Eighty-Six Dollars and Fourteen Cents (\$389,486.14), and to Haddad & Sherwin in the amount of Four Hundred Forty-Three Thousand, One Hundred Fifty-Three Dollars and Twenty-Seven Cents (\$443,053.27), and be it

FURTHER RESOLVED: That the total sum of Eight Hundred Thirty-Two Thousand, Six Hundred Thirty-Nine Dollars and Forty-one Cents (\$832,639.41) be made payable to Plaintiffs' attorneys as follows: the amount of Three Hundred Eighty-Nine Thousand, Four Hundred Eighty-Six Dollars and Fourteen Cents (\$389,486.14) shall be made payable to the Law Office of John L. Burris, and the amount of Four Hundred Forty-three Thousand, One Hundred Fifty-Three Dollars and Twenty-Seven Cents (\$443,053.27) shall be made payable to Haddad & Sherwin in full and final satisfaction of Plaintiffs' claim for attorneys' fees.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 15 2012, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- ~~DE LA FUENTE~~, KERNIGHAN, NADEL, ~~BRUNNER~~, SCHAAF, BROOKS, KAPLAN AND PRESIDENT REID-6

NOES- Brunner, De La Fuente - 2

ABSENT- 0

ABSTENTION- 0

ATTEST:


LATONDA SIMMONS

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