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January 7, 2014

HONORABLE CITY COUNCIL
Oakland, California

Subject: Robert Ovetz v. City of Oakland, et al.
Northern District of California Case No. C12-6180
City Attorney File No. 29115
(Oakland Police Department – Excess Force/Civil Rights)

President Kernighan 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 above-entitled claim for the sum of Forty-Eight Thousand Five Hundred Dollars and no Cents (\$48,500.00), payable to Robert Ovetz and the Law Office of Matthew A. Siroka, his attorney.

This action arises out of the above-referenced action, in which Plaintiff Robert Ovetz alleges that he sustained injuries as a result of a police officer using excessive force against him during the January 28, 2012 Occupy Oakland protest, and that he was thereafter wrongfully arrested.

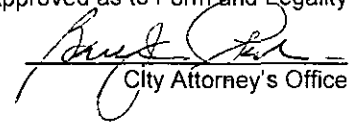
The Council authorized settlement of this case in Closed Session on Tuesday, December 10, 2013 (moved by Councilmember Gallo and seconded by Councilmember Gibson McElhaney - 7 Ayes, 0 Noes, 1 Absent – Councilmember Kaplan).

Respectfully submitted,

A handwritten signature in black ink that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney assigned:
Wendy M. Garbers


City Attorney's Office

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OFFICE OF THE CITY CLERK
OAKLAND
OAKLAND CITY COUNCIL

13 DEC 19 ^{PM 1:44} Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF OVETZ V. CITY OF OAKLAND, ET AL., NORTHERN DISTRICT OF CALIFORNIA CASE NO. C12-6180, CITY ATTORNEY'S FILE NO. 29115, IN THE AMOUNT OF FORTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$48,500.00) (OAKLAND POLICE DEPARTMENT – EXCESS FORCE/CIVIL RIGHTS)

WHEREAS, Plaintiff Robert Ovetz alleges that he sustained injuries as a result of police officers using excess force against him during the January 28, 2012 Occupy Oakland protest, and that he was wrongfully arrested; and

WHEREAS, Plaintiff Robert Ovetz filed the above referenced action to recover monetary damages for his alleged injuries; and

WHEREAS, Without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Robert Ovetz's claim against It for the sum of Forty-Eight Thousand Five Hundred Dollars and No Cents (\$48,500.00); now, therefore, be it

RESOLVED, That the City Attorney is authorized and directed to compromise and settle the case of Robert Ovetz v. City of Oakland, et al., Northern District of California Case No. C12-6180, City Attorney's File No. 29115, for a sum not to exceed Forty-Eight Thousand Five Hundred Dollars and No Cents (\$48,500.00) payable by the City of Oakland; and be it

FURTHER RESOLVED, That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement; and be it

FURTHER RESOLVED, That the sum of Forty-Eight Thousand Five Hundred Dollars and No Cents (\$48,500.00) be paid to Robert Ovetz and the Law Office of Matthew Siroka, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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