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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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October 7, 2014

HONORABLE CITY COUNCIL
Oakland, California

Subject: Joanne Warwick v. City of Oakland, et al.
Northern District of California Case No. C13-0536 NC
City Attorney File No. 29139
(Oakland Police Department – Excessive 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 plaintiff's claim for attorneys' fees and costs in the above-entitled action for the sum of Fifteen Thousand Dollars and no Cents (\$15,000.00), payable to William M. Simpich, Esq., her attorney.

In April 2014, Council authorized the City Attorney's Office to make plaintiff Joanne Warwick a Rule 68 offer of judgment for \$25,000, plus reasonable costs and attorneys' fees to the date of the offer. The Rule 68 offer was accepted by plaintiff on April 23, 2014. Accordingly, the only unresolved matter is the amount of the attorneys' fees and costs award.

The Council authorized settlement of the attorneys' fees and costs claim in Closed Session on Tuesday, September 16, 2014 (moved by Councilmember Larry Reid and seconded by Councilmember Noel Gallo – 8 Ayes).

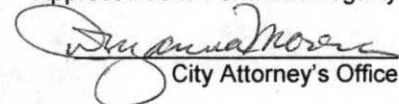
Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Barbara J. Parker', written in a cursive style.

BARBARA J. PARKER
City Attorney

Attorney assigned:
Wendy M. Garbers

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City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE PLAINTIFF'S CLAIM FOR ATTORNEYS' FEES AND COSTS IN THE CASE OF JOANNE WARWICK V. CITY OF OAKLAND, ET AL., NORTHERN DISTRICT OF CALIFORNIA CASE NO. C13-0536 NC, CITY ATTORNEY'S FILE NO. 29139, IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) (OAKLAND POLICE DEPARTMENT – EXCESSIVE FORCE/CIVIL RIGHTS)

WHEREAS, in April 2014, Council authorized the City Attorney's Office to make plaintiff Joanne Warwick a Rule 68 offer of judgment for \$25,000, plus reasonable costs and attorneys' fees to the date of the offer; and

WHEREAS, the Rule 68 offer was accepted by plaintiff on April 23, 2014; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle plaintiff Joanne Warwick's claim for attorneys' fees and costs against it for the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle plaintiff Joanne Warwick's claim for attorneys' fees and costs in Joanne Warwick v. City of Oakland, et al., Northern District of California Case No. C13-0536 NC, City Attorney's File No. 29139, for a sum not to exceed Fifteen Thousand Dollars and No Cents (\$15,000.00) 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 Fifteen Thousand Dollars and No Cents (\$15,000.00) be paid to William M. Simpich, Esq., her 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