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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF L.W., ET AL., V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA CASE NO. 3:14-CV-01877 LB, CITY ATTORNEY'S FILE NO. 29763 IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) (OAKLAND POLICE DEPARTMENT – EXCESSIVE FORCE)

WHEREAS on the night of April 3, 2013, plaintiff minor L.W., then 16, was detained by OPD officers following a radio report of an armed robbery by three African American males at 10th and Jefferson Streets, when a witness misidentified them as the robbers; and

WHEREAS, a detaining officer fired a shot at the minors in the course of police issuing commands to get down and the shot grazed one of the minor's cheek; the minors were taken into custody and the minor with the grazed cheek received medical attention before they were taken to the police department for questioning; and

WHEREAS, L.W., a minor, by and through his guardian ad litem, Troyreac Henry filed United States District Court Case No.C14-01877 LB against the City of Oakland alleging emotional distress related to witnessing the other minor get shot, now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of L.W., a minor, by and through his guardian ad litem, Troyreac Henry v. City of Oakland, et al., United States District Court Case No.C14-01877 LB, City Attorney's File No. 29763, for the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____

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