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CITY OF OAKLAND



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May 5, 2015

HONORABLE CITY COUNCIL  
Oakland, California

Re: L.W., a Minor, by and through his Guardian Ad Litem, Troyreac Henry  
v. City of Oakland, et al.  
**U.S.D.C. Northern District of California No. 3:14-cv-01877 LB**  
City Attorney File No. 29763  
(Oakland Police Department – Excessive Force)


President Gibson McElhaney 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-five Thousand Dollars and No Cents (\$45,000.00) payable to the Law Offices of John L. Burris in trust for L.W. Ten Thousand Dollars and No Cents (\$10,000.00) of the total settlement sum shall be allocated and used for services for L.W.

This action arises out of the above-referenced action, in which Plaintiff L.W., a minor, was detained and witnessed an Oakland Police Department officer shoot his companion on April 3, 2013, causing Plaintiff to fear for his life.

The Council authorized settlement of this case in Closed Session on Tuesday, April 21, 2015 (moved by Councilmember Rebecca Kaplan and seconded by Councilmember Dan Kalb – 6 Ayes, 2 Absent – Councilmembers Brooks and Reid).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

7.7

Attorney assigned:  
Arlene M. Rosen

MEETING OF THE  
OAKLAND CITY COUNCIL

  
City Attorney's Office

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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., A MINOR, BY AND THROUGH HIS GUARDIAN AD LITEM, TROYREAC HENRY 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 at 10<sup>th</sup> and Jefferson Streets, and witness identification that he and his companions were suspects; and

**WHEREAS**, a detaining officer, mistakenly believing one of the suspects was reaching for a weapon, discharged his firearm, injuring one of the suspects and causing L.W. to fear for his life; 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, et al., alleging emotional distress related to witnessing the shooting of his companion, 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), with Ten Thousand Dollars and No Cents (\$10,000.00) of said sum to be allocated and used for services for L.W.; 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; and be it

**FURTHER RESOLVED:** That the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00) be made payable to the Law Offices of John L. Burris in trust for L.W.

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: \_\_\_\_\_

**7.7**  
MEETING OF THE  
OAKLAND CITY COUNCIL

LATONDA SIMMONS

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

MAY 5 2015