


2019 OCT 24 PM 4:46


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 87897 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LAMESHA SMITH, ET AL., V. CITY OF OAKLAND, ET AL, UNITED STATES DISTRICT COURT CASE NO. 18-CV-06224 EDL, CITY ATTORNEY'S FILE NO. 32640, IN THE AMOUNT OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS AND NO CENTS (\$250,000.00) (OAKLAND POLICE DEPARTMENT – EXCESSIVE FORCE/FAILURE TO TRAIN)

WHEREAS, Plaintiffs allege that Oakland Police Department Officers violated their constitutional rights related to the in-custody death of Marcellus Toney on September 28, 2017; and

WHEREAS, Plaintiffs allege that after Mr. Toney caused a serious traffic accident while driving under the influence, resisted arrest, was handcuffed, and he should not have been tased because he was already in handcuffs, and was exhibiting Excited Delirium symptoms; and

WHEREAS, United States District Court Case No. 18-CV-06224 EDL was filed against the City of Oakland and Oakland Police Department its officer alleging constitutional violations; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

WHEREAS, the City admits no wrongdoing or liability; now, therefore be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Lamesha Smith, et al. v. City of Oakland, et al*, United States District Court Case No. 18-CV-06224 EDL, City Attorney File No. 32640, for the sum of Two Hundred and Fifty Thousand Dollars and No Cents (\$250,000.00); 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.

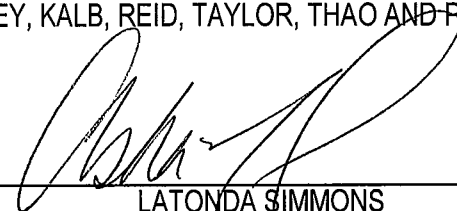
IN COUNCIL, OAKLAND, CALIFORNIA,

NOV 05 2019

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 8
NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST:


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