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CITY OF OAKLAND



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February 4, 2020

HONORABLE CITY COUNCIL
Oakland, California

Subject: T.D.P., a minor through her Mother and Next Friend, Andrea Dupree,
for Richard Perkins v. City of Oakland, et al.
Case Nos. CV-16-4132-LB and CV-16-4324-LB
City Attorney File No. 31147
(Oakland Police Department – Excessive Force/Failure to Train)

President Kaplan 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 Two Hundred and Fifty Thousand Dollars and No Cents (\$250,000.00), payable to Richard Perkins III (\$75,000) and the law firm of Siegel, Yee, Brunner & Mehta (Mr. Perkins, III's attorneys), Talia Dupree (\$175,000), and Haddad & Sherwin Client Trust Account (Ms. Dupree's attorneys).

Plaintiffs allege that on November 15, 2015, Oakland Police officers used excessive force when they used lethal force against Richard Perkins (who was Mr. Perkins, III's and Ms. Dupree's father) as he approached the officers with a Desert Eagle replica firearm that was not marked in any way as a replica.

The Council authorized settlement of this case in Closed Session on Tuesday, November 19, 2019 (moved by Vice Mayor Larry Reid and seconded by Councilmember Noel Gall – 7, 1 Absent – Councilmember Lynette Gibson McElhaney).

Respectfully submitted,

BARBARA J. PARKER
City Attorney

Assigned Attorney:
David Pereda

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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 THE CASE OF T.D.P., A MINOR THROUGH HER MOTHER AND NEXT FRIEND, ANDREA DUPREE, FOR RICHARD PERKINS V. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT NO. 3:16-CV-04324-LB, CITY ATTORNEY FILE NO. 31147, IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$250,000.00) (OAKLAND POLICE DEPARTMENT – EXCESSIVE FORCE/WRONGFUL DEATH)

WHEREAS, Plaintiffs allege that Oakland Police Department Officers violated their constitutional rights during an officer-involved shooting on November 15, 2015 in which Plaintiffs' family member, Richard Perkins passed away; and

WHEREAS, Plaintiffs allege that Oakland Police officers used excessive force when they used lethal force against Mr. Perkins as he approached the officers with a Desert Eagle replica firearm that was not marked in any way as a replica; and

WHEREAS, United States District Court Case Nos. CV-16-4132-LB and CV-16-4324-LB were filed against the City of Oakland and the Oakland Police Department 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 Nos. CV-16-4132-LB and CV-16-4324-LB, for the combined 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,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -
ABSENT -
ABSTENTION -

ATTEST: _____

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