

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
21 JUL 23 AM 9:26

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 88772 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF KATHERINE DE LA RIVA AND WILLIAM ALLAN V. CITY OF OAKLAND, OFFICER KALEO ALBINO, SERGEANT PATRICK GONZALES, AND SEAN ALEXANDER MARINE SERVICES, INC., UNITED STATES DISTRICT COURT CASE NO. 4:19-CV-06106-JSW, CITY ATTORNEY'S FILE NO. 33287, IN THE AMOUNT OF TWO HUNDRED EIGHTY THOUSAND DOLLARS AND ZERO CENTS (\$280,000.00) (OAKLAND POLICE DEPARTMENT - CIVIL RIGHTS/SEIZURE AND DESTRUCTION OF PROPERTY)

**WHEREAS**, Plaintiffs Katherine De la Riva and William Allan allege that on October 2-3, 2018, their vessels were seized and destroyed by the Oakland Police Department, allegedly in violation of Plaintiffs' federal and state constitutional rights; and

**WHEREAS**, Plaintiff De la Riva lost personal possessions that were on De la Riva's vessel at the time and allegedly suffered emotional distress as a result of the destruction of the vessel and these possessions; and

**WHEREAS**, Plaintiff Allan lost personal possessions that were on Allan's vessel at the time and allegedly suffered emotional distress as a result of the destruction of the vessel and these possessions; and

**WHEREAS**, United States District Court Case No. 4:19-CV-06106-JSW, was filed against the City of Oakland, alleging claims for violations of federal and state constitutional rights; 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; and

**WHEREAS**, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Katherine De la Riva and William Allan v. City of Oakland, Officer Kaleo Albino, Sergeant Patrick Gonzales, and Sean Alexander Marine Services, Inc., United States District Court Case No. 4:19-CV-06106-JSW, for the sum of Two Hundred Eighty Thousand Dollars and Zero Cents (\$280,000.00) payable to Plaintiffs Katherine De la Riva and William Allan, through their attorneys, the law firm of Siegel, Yee, Brunner & Mehta and the East Bay Community Law Center; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

**JUL 26 2021**

PASSED BY THE FOLLOWING VOTE:

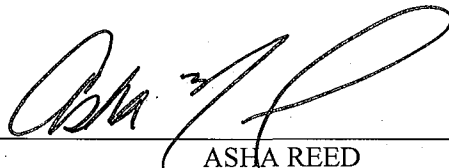
AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT  
FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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

3086002v1