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## **California Supreme Court Unanimously Supports City in Process Involving ‘Riders’ Attempts to Get Reinstated**

### **Ruling Completed Within 24-hours Forces Riders to ‘Play by the Rules’**

*Oakland, CA* – The California Supreme Court ruled unanimously yesterday in favor of the City of Oakland’s insistence that an existing agreement for the selection of arbitrators be honored by the former “Riders” police officers who have sued the City for reinstatement. All seven Supreme Court justices ruled to overturn the Court Appeal and require the First District to “issue an alternative writ to be heard before that court.”

The speed with which the Supreme Court completed the decision, just 24-hours from receiving the informational briefs, was rare. Typically the California Supreme Court will take up to 6 months to determine whether it will act on an issue. A ruling by the Court may take anywhere from 8 to 12 months. In reviewing the Court’s conference list from Wednesday, there are more than 100 civil cases; this was the only case where the Court took action.

“The Court’s swift and unanimous action demonstrates how specious and frivolous this legal tactic was,” said Oakland City Attorney John Russo. “There is no reason, other than to waste time and money, that the attorneys for the Riders shouldn’t play by the rules and use the list of arbitrators the city and the police officers association agreed upon.”

Riders’ lawyers have repeatedly sought to circumvent the arbitrator selection process contained in the police union agreement by alleging legal ambiguities in the MOU between the City and the Oakland Police Officers Association. Riders’ lawyers convinced the lower courts to allow greater leeway for the former officers to choose their arbitrator through a generic arbitration selection method, thereby throwing out the existing list of negotiated, qualified specialists.

“Just because you can manufacture a legal ambiguity doesn’t mean you can scuttle the process and throw out the arbitration selection clause,” said Joe Quinn, of Meyers Nave, the outside counsel for the City of Oakland.

The promptness with which the California Supreme Court made its decision showed the importance this issue may have for other collective bargaining and arbitration agreements statewide.

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#### **BACKGROUND**

In July 2000, when rookie police officers reported the misconduct of four Oakland Police officers (“the Riders”), the City immediately launched an extensive investigation. Officers were accused of committing serious violations. The ringleader for the Riders, Officer Frank Vasquez, fled the

country and remains a fugitive. The other three officers refused to cooperate with the mandatory investigation. For this refusal, they were fired.

The District Attorney’s office brought felony charges against the officers. After two criminal trials, over three years, both juries deadlocked on the majority of the charges. One officer was found not guilty after the second trial; however the juries’ inability to find consensus did not constitute a declaration of innocence for the other three Riders officers.

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