

**JUNE 18, 2020**

**CLOSED SESSION REPORTED OUT FINAL DECISION**

Date of Meeting: *Thursday, June 18, 2020*

Litigation Negotiations

**NAME OF ACTION:**

**Najari Smith v. City of Oakland, Oakland Police Department, Officer Nigel Lawson #9203, Julian Bordona #9265, Scott Hewitt #8626, Craig Haney and DOES 1-50, United States District Court Case No. 19-CV-06527-WHO**

This matter is listed as **Item No. 1(c)** on the Closed Session Agenda:

The council authorized settlement in the amount of **\$147,500.00**

This case arose out of incidents occurring on **August 3, 2018**

**FACTS/ISSUES:**

Plaintiff Mr. Najari Smith was stopped by OPD officers and cited for playing loud music from a trailer attached to his bicycle at approximately 10 pm at the *First Fridays* event on August 3, 2018 in Oakland. To complete the citation, officers asked Mr. Smith for identification, who first declined and then offered a passport card and driver's license and conflicting information. Officers then arrested Mr. Smith for obstructing the officers' performance of their duties—a Penal Code § 148 offense—and Mr. Smith was taken into custody and spent the night in jail. Mr. Smith was not subsequently prosecuted.

Mr. Smith sued the City, alleging that he was wrongfully detained in the first place and then wrongfully arrested. He also alleged that officers improperly towed his bicycle and used excessive force against him. Mr. Smith seeks to recover compensation for alleged wage loss, property damage, permanent emotional distress, for \$3,000 in damage to his bicycle and sound system incurred while they were at the City's storage facility and for his attorneys fees.

Mr. Najari has agreed to settle his claims for a settlement payment in the amount \$147,500.00. This settlement resolves all claims in this matter.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Gibson McElhaney**

**AYES:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan= **8**

**NOES:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=

**ABSENT:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=

**ABSTENTIONS:** Fortunato Bas, Gallo, Gibson McElhaney, Kalb, Reid, Taylor, Thao and President Kaplan=