

MARCH 16, 2023

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, March 16, 2023*

Litigation Negotiations

NAME OF ACTION:

Anti-Police-Terror Project, Community Ready Corps, Sean Canaday, Michael Cohen, Michael Cooper, Andrea Costanzo, Johnathan Farmer, Lindsey Filowitz, Danielle Gaito, Katie Johnson, Bryanna Kelly, Jennifer Li, Ian McDonnell, Melissa Miyara, Lindsey Morris, Leila Mottley, Niko Nada, Azize Ngo, Nicole Puller, Maria Ramirez, Akil Riley, Aaron Rogachevsky, Tara Rose, Ashwin Rupan, Daniel Sanchez, Christina Stewart, Tayah Stewart, Katherine Sugrue, Celeste Wong, And Qiaochu Zhang; on behalf of themselves and similarly situated individuals v. City of Oakland, OPD Police Chief Susan E. Manheimer, OPD Sergeant Patrick Gonzales, OPD Officer Maxwell D'orso and OPD Officer Casey Fought

United States District Court Case No. 4:20-CV-03866-JCS

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

The council authorized settlement in the amount of **\$199,000.00**.

This case arose out of an incident occurring on **May 29, 2020**.

FACTS/ISSUES:

Plaintiff Lindsey Morris is one of 27 persons and two organizations that sued the City, former Interim Chief of Police Susan Manheimer, and three police officers, challenging the handling of protests in Oakland between May 29, 2020 and June 1, 2020. Morris claims violation of their right to free speech under the First Amendment, excessive force and false arrest in violation of the Fourth Amendment, violation of the right to substantive due process under the Fourteenth Amendment, violation of the Bane Act (which provides protection from interference with the exercise of constitutional or civil rights), and common law claims for assault and battery, false arrest, and negligence. Morris suffered a serious ankle fracture when a crowd ran following a deployment of tear gas in the area of 7th Street and Broadway on May 29, 2020. The claims for injunctive relief, attorneys' fees and costs, and the damages claims of 25 of the 27 individual plaintiffs were previously resolved through settlement.

The parties have agreed to settle the damages claims of Lindsey Morris for One Hundred Ninety-Nine Thousand Dollars and No Cents (\$199,000.00).

Motion Made by: **Councilmember Fife**

Motion Seconded by: **Councilmember Gallo**

AYES: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=7

NOES: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=

ABSENT: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=1

ABSTENTIONS: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=