



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle,
City Attorney

SUBJECT: SETTLEMENT OF COOPER v.
CITY OF SAN JOSE

DATE: March 7, 2019

RECOMMENDATION

Approve a settlement in the case of *Cooper v. City of San Jose* in the amount of \$215,000.00, and authorize the City Attorney to execute a Settlement Agreement.

OUTCOME

Settle the lawsuit brought by plaintiff with a payment by the City of \$215,000.00, including attorney fees; each side to bear their own costs.

BACKGROUND

In 2015, plaintiff was pacing outside a convenience store in a strip mall, holding a knife to his throat. A CIT officer spoke with him for several minutes, but when plaintiff appeared to be trying to leave the scene, still holding the knife, SJPd fired less than lethal projectiles at him and got him into custody. Plaintiff lost vision in his right eye as a result of the encounter. In late 2016, plaintiff filed the subject complaint alleging excessive force, battery, assault, and violations of the Bane Act.

ANALYSIS

Under the proposed settlement, plaintiff (and his attorneys) will receive \$215,000.00. This is a negotiated settlement between the parties to avoid the risks inherent in litigation.

PUBLIC OUTREACH/INTEREST

This memorandum and the Settlement Agreement have been posted on the City's website for the March 19, 2019 agenda.

COST SUMMARY/IMPLICATIONS

The settlement will be paid from the City's claims reserve fund.

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CEQA

Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

By 

RICHARD DOYLE
City Attorney

cc: David Sykes, City Manager

For questions, please contact RICHARD DOYLE, City Attorney, at (408) 535-1900