

1 [Settlement of Lawsuit - Jose Poot, Kishawn Norbert, Kenyon Norbert, Marshall
2 Higginbotham, Antoine DeWhitt, Cory Butler, Montrail Brackens, Delon Barker, Javonn Allen -
3 \$30,000]

4 **Ordinance authorizing settlement of the lawsuit filed by Jose Poot, Kishawn Norbert,**
5 **Kenyon Norbert, Marshall Higginbotham, Antoine DeWhitt, Cory Butler, Montrail**
6 **Brackens, Delon Barker, Javonn Allen against the City and County of San Francisco**
7 **for \$30,000; the lawsuit was filed on May 20, 2019, in United States District Court –**
8 **Northern District of California, Case No. 19-cv-02722; entitled Jose Poot, Kishawn**
9 **Norbert, Kenyon Norbert, Marshall Higginbotham, Antoine DeWhitt, Cory Butler,**
10 **Montrail Brackens, Delon Barker, Javonn Allen v. San Francisco County Sheriff’s**
11 **Department, et al.; the lawsuit involves claims that the sleep schedule and frequent**
12 **sleep disruptions at County Jails 4 and 5 created unconstitutional conditions of**
13 **confinement for the inmates; other material terms of the settlement are that the court**
14 **approve the settlement.**

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16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
18 authorizes the City Attorney to settle the action entitled Jose Poot, Kishawn Norbert, Kenyon
19 Norbert, Marshall Higginbotham, Antoine DeWhitt, Cory Butler, Montrail Brackens, Delon
20 Barker, Javonn Allen v. San Francisco County Sheriff’s Department, et al., United States
21 Districts Court – Northern District of California, Case No. 19-cv-02722 by the payment of
22 \$30,000. The lawsuit involves claims that the sleep schedule and frequent sleep disruptions
23 at County Jails 4 and 5 created unconstitutional conditions of confinement for the inmates;
24 other material terms of the settlement are that the court approve the settlement.

1 Section 2. The above-named action was filed in United States District Court – Northern
2 District of California on May 20, 2019, and the following parties were named in the lawsuit:
3 Plaintiffs: Jose Poot, Kishawn Norbert, Kenyon Norbert, Marshall Higginbotham, Antoine
4 DeWhitt, Cory Butler, Montrail Brackens, Delon Barker, Javonn Allen; Defendants: San
5 Francisco County Sheriff’s Department, City and County of San Francisco, Vicki Hennessy,
6 Paul Miyamoto, Jason Jackson, Kevin McConnell.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

/s/ Meredith B. Osborn
MEREDITH B. OSBORN
Chief Trial Deputy

FUNDS AVAILABLE:

/s/ Michelle Allersma for Ben Rosenfield
BEN ROSENFELD
Controller

RECOMMENDED:

SAN FRANCISCO SHERIFF DEPARTMENT

/s/
PAUL MIYAMOTO
Sheriff

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