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 CITY OF OAKLAND, OFFICER S. HALL,
 6 OFFICER S. FRANCIS, SGT. F. MESTAS

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10
 11 CHRISTOPHER FLOYD, A MINOR, BY
 AND THROUGH HIS GUARDIAN AD
 12 LITEM, FRANKIE EDWARDS, DANTE
 FLOYD, AND ROMEO TOLEFREE,

13 Plaintiffs,

14 v.

15 CITY OF OAKLAND, OFFICER S. HALL,
 16 OFFICER FRANCIS, AND SERGEANT
 MESTAS, INDIVIDUALLY, AND IN THEIR
 17 CAPACITIES AS EMPLOYEES OF THE
 CITY OF OAKLAND,

18 Defendants

Case No. C 03 1347 MJJ

**DECLARATION OF STEPHEN Q.
 ROWELL IN SUPPORT OF THE CITY OF
 OAKLAND DEFENDANT'S OPPOSITION
 TO PLAINTIFFS MOTION AMEND
 COMPLAINT**

19 I, Stephen Q. Rowell, declare that:

20 1. I am an attorney at law licensed to practice before the Courts of the Northern
 21 District of California and am employed as a Deputy City Attorney in the Office of the
 22 Oakland City Attorney, counsel of record for all defendants in the captioned matter with
 23 the. If called to testify concerning the matters set forth herein, I can do so competently.

24 2. On or about May 17, 2002, Plaintiffs Christopher Floyd and Dante Floyd filed
 25 claims with the City of Oakland pertaining to the incident which is the subject of plaintiffs'
 26 complaint on file in this action. Neither claim names Officer C. Stone as a defendant. The

1 claims are attached hereto as Exhibit A. According to my review of City of Oakland
2 records, no claim has been filed with the City which names Officer Stone in connection
3 with this matter. Further, no petition of a late claim has ever been served upon this office.

4 3. On July 17, 2003, I caused Defendants' Initial Disclosures to be served on the
5 plaintiffs' counsel, Wayne Johnson. The Initial Disclosure lists Officer Stone as an
6 individual who witnessed some or all of the events alleged in plaintiffs complaint. Further,
7 the copy of the police report which accompanied the disclosure indicated that that Officer
8 Stone was one of the three undercover officers approached by Christopher Floyd. A copy
9 of Defendants' Initial Disclosure and police report are attached hereto and incorporated
10 herein as Exhibit B.

11 4. On or about August 7, 2004, I attended the Initial Case Management
12 Conference in this case. At the conference, the court set the fact discovery cutoff date as
13 January 16, 2004; Designation of Experts as January 23, 2004; Expert Discovery cut-off
14 as February 20, 2004 and Dispositive motion hearing date as March 2, 2004. A copy of
15 the pretrial order is attached hereto and incorporated herein as Exhibit C.

16 5. On December 9, 2003, I attended the depositions of Oakland police officers S.
17 Hall and S. Francis, defendants in this action. Both officers testified that Officer Scott was
18 at the scene of the incident which is the subject of the plaintiffs' complaint, but neither
19 officer witnessed Officer Stone having any physical contact with either of the plaintiffs.
20 Further, both officers testified that they were in full police uniform at the time of the
21 incident and were working as part of the "arrest team". It was their job to effect arrests of
22 individuals as directed by undercover officers. Officers Hall and Francis testified that they
23 received little if any specific training in the performance of "buy/bust" operations. The
24 officers **did not**, however, testify that they did not receive extensive training in the law of
25 arrest, arrest procedure, handcuffing or use of force.

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