

**ADDITIONAL BACKGROUND ON THE CAMPBELL LITIGATION**  
(*Campbell, et al. v. City of Oakland*, U.S. District Court, CAND, No. CV11-05498 JST)

Twelve plaintiffs are sharing in the \$1,170,000 settlement. A summary of what happened to each of these twelve people appears below.

**I. OCTOBER 25 EARLY MORNING ARRESTS**

During the pre-dawn hours of October 25, 2011, OPD removed the Occupy Oakland camp from the Plaza outside Oakland City Hall. While this raid was in progress, a small crowd gathered in an east walkway, on the other side of a police line that was blocking ingress to the Plaza, peacefully chanting, singing and playing instruments. Among them were three labor organizers, **Max Bell Alper, Brooke Anderson and Kevin Christensen**. The three led chants and Max Alper gave a speech. After Max's speech, although the police had never given an order for the small group to leave, officers suddenly advanced on the activists, and Lt. Mestas grabbed Max by the collar, telling him that he had to leave or he would be arrested. Max agreed, but when he asked Mestas' name, Mestas ordered him arrested. This newly released video <http://youtu.be/lxyTchCcQso> shows the demonstrators' shock and confusion when officers charged forward, clubbed Max and a woman, grabbed Max, Kevin and Brooke, threw them to the ground, and applied a pain hold to Brooke - despite the fact that none of the demonstrators were not resisting and they had been doing nothing wrong. Max, Kevin and Brooke were arrested and held in jail for an entire day before being released without charges.

**SETTLEMENT AMOUNTS:**

**MAX BELL ALPER: \$30,000**

**BROOKE ANDERSON: \$20,000**

**KEVIN CHRISTENSEN: \$20,000**

**II. OCTOBER 25 EARLY EVENING ARRESTS**

In reaction to the morning raid, Occupy supporters called for a demonstration. The tone was set when the peaceful march that set out from the library at 5pm was immediately met with excessive force and unwarranted arrests. The first two to be arrested were **Mathias Bernarding and Mara Randle**, both schoolteachers..

Mathias was near the front of the march when he saw a line of OPD officers who seemed to be blocking the marchers' path near 8th and Broadway, although the police made no announcements. When Mathias calmly asked to speak with a Sergeant, Sgt. Downum ordered officers to arrest him. Mathias was violently driven to the ground and his head, wrist and arms twisted with great force, which has left him with pain and soreness for quite some time.

Mara saw the police brutality against Mathias and attempted to video it, but police knocked her cell phone out of her hand. Mara asked the police repeatedly to give her back her phone, but she was clubbed repeatedly and then thrown down and yanked from the street onto the sidewalk so that the right side of her face slammed into the concrete. Mara suffered soft tissue and jaw injuries. Mathias was held in jail for more than 24 hours, and Mara for 72 hours. Both were

charged with disturbing the peace and forced to defend themselves in court, but the charges were eventually thrown out. However, the arrest records have affected their careers as teachers and they are happy to be obtaining an order to seal and destroy the arrest records as part of the settlement.

**SETTLEMENT AMOUNTS:**

**MATHIAS BERNARDING: \$35,000**

**MARA RANDLE: \$40,000**

### **III. OCTOBER 25 EVENING INJURIES AT 14TH AND BROADWAY**

When the march arrived at 14th and Broadway it was immediately met with maximum confrontation by OPD and its assisting agencies. OPD deployed explosive flash-bang chemical agent grenades and shot 12-gauge rounds containing bags of lead pellets (“beanbags”), and Palo Alto Police and Alameda County Sheriff officers also shot various types of impact munitions under the direction of OPD. This happened in several rounds between approximately 7:40 p.m. and 12 a.m. OPD’s mismanagement of the event caused a smoke filled scene of panic and chaos in which many people were injured.

**Sukay Sow**, a 20 year old college student who went to the protest with her mother, was trying to leave in compliance with OPD dispersal orders which had given a ten-minute warning, but was searching for her teenage brother in the dense crowd when munitions were fired, seven minutes after the warning. Sukay was hit with an OPD CS Blast Rubber Ball grenade, which exploded directly on her left foot with a loud bang, flash of light, and release of chemical agent. Sukay sustained an excruciatingly painful large second degree chemical burn. OPD offered her no medical attention. Fortunately Sukay was able to make it to the Emergency Room. The entire top of her foot was blackened and blistered. She experienced a continuous searing pain that necessitated intravenous morphine through that night. It was six weeks before Sukay could resume such simple activity as taking a shower. Ms. Sow also experienced respiratory problems as a result of the intensive chemical agent exposure and has been left with a large, permanent, disfiguring scar on her foot.

**Max Stiers** was injured at approximately the same time as Sukay Sow, about 7:30pm. He too heard a dispersal order, but it was followed by a volley of CS Blast grenades, other chemical agent projectiles and impact munitions such as "bean bags" , before the large crowd had a chance to get away. As Max and others fled, the police fired munitions at their backs. When Mr. Stiers turned around to try to go to the aid of a woman in a wheelchair, he was hit with in the right forearm with a beanbag round. Other projectiles struck his heel and seared the backpack on his back. Max was in severe pain because the projectile had struck the radial nerve in his arm and crushed the tendon. Max still has pain that affects his work and activities.

**David Morse**, a veteran independent photojournalist, was covering the Occupy Oakland events on October 25 for the Bay Area Independent Media Center (Indybay.org), wearing a press pass around his neck and holding a camera in each hand. David was filming the demonstration when, without warning, Palo Alto Police acting on the direction of OPD Lt. Kirk Coleman opened fire.

While David was filming the PAPD officers shooting someone else with pepperballs and beanbags, Agt. Parham suddenly turned toward David and fired several shots in his direction, despite his obvious journalist status. One pepperball hit David in the lower left chest. The pepperball released sickening chemical agent that saturated David's shirt. The plastic projectile also broke the skin and caused a bleeding wound and large bruise.

Like David Morse, **Dereck Clemons**, a 31 year old English teacher employed by Stanford University, was shot around 8:30pm near 14th and Broadway. Dereck was turning to leave when he was first shot approximately two times with impact munitions that hit his right ribs and his inner left arm. As he ran away, Dereck was shot again multiple times in the back. The lead shot filled beanbags left painful, swollen, bloody wounds.

**Scott Whitacre**, a tech professional, had not previously been involved in Occupy but walked over to 14th and Broadway when he saw the TV news which showed injured demonstrators and clouds of teargas. Arriving around 10pm, Scott never heard a police dispersal order before the police shot munitions and chemical agent projectiles indiscriminately into the large crowd of demonstrators. Scott was hit at least eight times in the hip, in the lower left chest, side and back. He suffered painful, bloody wounds all over his back and side as a result of the shotgun fired beanbags. No medical help was offered or provided to Scott, or any of the other plaintiffs.

**Settlement Amounts:**

**Sukay Sow: \$210,000. Max Stiers: \$75,000. David Morse: \$40,000. Scott Whitacre: \$20,000.**

#### **IV. NOVEMBER 2-3 LATE NIGHT PROJECTILE INJURIES**

**Suzi Spangenberg**, a seminary student and photographer in her 50s, was on her way to the BART station on November 2nd at about 11:30pm, after documenting the day of demonstrations. She was at 17th and Broadway, at least a block from where the building occupation was occurring and where there were only a small number of demonstrators nearby. The police deployed teargas, causing the demonstrators to flee. Suzi approached the police line, identified herself as a faith leader, and implored them not to use violence. When she told the officers that she loved them, OPD officers, without warning, threw two CS Blast grenades at her. The grenades landed between Suzi's feet and exploded with deafening noise, enveloping her in CS gas. Suzi had done nothing that presented a threat to the officers. The street was quiet and there was no bottle throwing or other unlawful activity occurring in her vicinity when OPD gratuitously threw explosives directly at her. At the same time, an Alameda County officer shot Suzi in the hip with an impact projectile. But Suzi's most serious injury was the result of the loud Blast grenade explosion. She developed severe, permanent tinnitus as well as a partial hearing loss in both ears. The tinnitus is a constant loud, high pitched sound in Suzi's ears 24 hours a day. Suzi is unable to sleep for more than two hours straight. This has had a profound effect on her life and graduate studies. With the help of the settlement money, Suzi is hoping to gain some relief from custom made auditory devices that may help mask her tinnitus.

A bit later that night of November 2-3, **Scott Campbell**, a videographer and social media

professional, was taking photos and video of the police near the north end of Frank Ogawa Plaza when an OPD officer asked him to move back from the police line. Scott complied. Nonetheless, without any warning, OPD Officer Victor Garcia aimed his 12 gauge riot shotgun and fired a lead shot-filled beanbag round which tore through the crotch of Scott's pants and struck Scott's upper inner thigh. Scott thus inadvertently captured his own shooting on video.

Officer Garcia was acting on an order from Captain Ersie Joyner to shoot munitions at anyone who crossed an imaginary line marked by a roll of toilet paper on the ground.

A new, previously unreleased video showing this order, and how the other officers reacted to Officer Garcia's unprovoked shooting of Scott, is here:

<http://www.youtube.com/watch?v=0pfl9HkBnCh&feature=youtu.be>

Scott sustained a large, very painful crush injury to his upper thigh which caused him pain with activity for a long time but has gradually healed over the past 18 months. Like all of the plaintiffs in this case, he was deeply traumatized by the terrifying experience of being senselessly shot by a police officer.

**SETTLEMENT AMOUNTS:**

**SUZI SPANGENBERG: \$500,000**

**TIMOTHY SCOTT CAMPBELL: \$150,000**