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Contra Costa Times (Walnut Creek, CA){PUBLICATION2}

MELEE LAWSUIT SETTLED

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Hilary Costa STAFF WRITER

Antioch and the city's school district have settled a lawsuit by the families of three teens involved in a March 2007 melee with police at a gas station near Deer Valley High School.

According to a news release issued by the plaintiffs' attorney, the teens will receive compensation totaling \$775,000 from the city and the Antioch school district. The school district's portion of the settlement is about \$520,000, school board President Walter Ruehlig said.

The suit, filed in May 2008 by the teens' parents, claimed their children, who are African-American, were "racially profiled" and "physically attacked" by Antioch police officers at Gas City at 4198 Lone Tree Way.

The incident on March 7, 2007, began when police told Deer Valley High School student Michael Housley, then 16, to stop blocking traffic as he walked with two other students through a shopping center near the school. When an officer tried to give Housley a citation, police said the teen ran and taunted the officer.

Police chased Housley to the service station, where officers used physical force and pepper spray to subdue him and other students, according to police. A crowd gathered at the scene, and police arrested seven students and an adult in the incident.

In May and June of 2007, the Antioch school board voted unanimously to expel the seven students involved in the altercation. The Contra Costa County Board of Education reinstated one of the students, and in May 2008 a Contra Costa Superior Court judge overturned two other expulsions. The remaining four students did not appeal the district's decision.

The Antioch school district settled its portion of the lawsuit earlier this year, and the city settled Nov. 12.

City Attorney Lynn Tracy Nerland said in an e-mail that the decision to settle was made by the Municipal Pooling Authority, which is a self-insurance system for public agencies. Nerland said that in civil rights cases such as this, plaintiffs can collect attorneys' fees if they win, but the reverse isn't true for the defendant.

"The school district settled in the spring, leaving the city alone to fight the lawsuit. A business decision was recently made by the city's joint



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risk pool in consultation with the city to settle as well, given plaintiffs' attorney's increasing claim for attorneys' fees," Nerland said.

Jivaka Candappa, the attorney for the plaintiffs, questioned Nerland's explanation. He said settling earlier would also have saved the city the money it has since spent on litigation.

"Without saying so in specific terms, I think the settlement figure speaks for itself," Candappa said. "If the city felt it was not at fault and if the school district felt it was not at fault, they would not have paid that kind of money."

Though the City Council did not vote on it, Mayor Jim Davis said in an e-mail the settlement should not be considered a precedent.

"I believe we had a good defense; and I stand 100 percent behind our police department, and in Antioch it is not OK to commit crimes, as you will be arrested and prosecuted to the fullest extent of the law," Davis said.

Reach Hilary Costa at 925-779-7166. Follow her at [Twitter.com/hilaryccosta](https://twitter.com/hilaryccosta).

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