

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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# City and County of San Francisco

## Tails Ordinance

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 210160

**Date Passed:** April 13, 2021

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

March 18, 2021 Government Audit and Oversight Committee - RECOMMENDED

April 06, 2021 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

April 13, 2021 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Stefani and Walton

Noes: 2 - Ronen and Safai

File No. 210160

I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
4/13/2021 by the Board of Supervisors of  
the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

London N. Breed  
Mayor

4.23.21

Date Approved