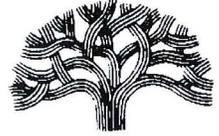


16 FEB 10 PM 2:08

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

February 10, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: Kieu Luu, et al. v. City of Oakland, et al.
Case No. RG15756460
City Attorney File No. 30361, (Oakland Police Department–Personal Injury)

President Gibson McElhaney and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for Two Million Seven Hundred Fifty Thousand Dollars and No Cents (\$2,750,000.00) payable to Plaintiffs Kieu Luu, Hoa Tran, and Hue Tran (“Plaintiffs”).

This action arises out of a vehicle-pedestrian accident involving a City vehicle and Plaintiffs’ decedent, Bien Cam Tran.

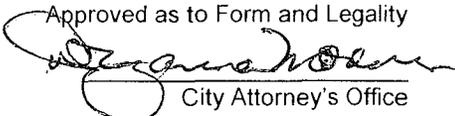
The Council authorized settlement of this case in Closed Session on Tuesday, October 20, 2015.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

City Attorney's Office

16 FEB 10 PM 2:00

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF KIEU LUU, ET AL. v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15756460, CITY ATTORNEY'S FILE NO. 30361, IN THE AMOUNT OF TWO MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$2,750,000.00) (OAKLAND POLICE DEPARTMENT—PERSONAL INJURY)

WHEREAS, Kieu Luu, Hoa Tran, and Hue Tran ("Plaintiffs") allege that they incurred damages as a result of the acts or omissions of City employees; and

WHEREAS, Plaintiffs filed a survival and wrongful death lawsuit against the City; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiffs' claims against it for the sum of Two Million Seven Hundred Fifty Thousand Dollars and No Cents (\$2,750,000.00) payable by the City of Oakland; now, therefore, be it

RESOLVED: That the City of Oakland is authorized and directed to compromise and settle the case of *Kieu Luu, et al. v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG15756460, City Attorney's File No. 30361, for a sum not to exceed Two Million Seven Hundred Fifty Thousand Dollars and No Cents (\$2,750,000.00); and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Two Million Seven Hundred Fifty Thousand Dollars and No Cents (\$2,750,000.00) be paid to Plaintiffs.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California