

CITY OF OAKLAND



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March 20, 2012

HONORABLE CITY COUNCIL
Oakland, California

President Reid and Members of the City Council:

Subject: DeGuzman v. City of Oakland
Alameda County Superior Court No. RG07355626
City Attorney File No. 25715

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 action for the sum of the total amount of \$398,500.00: \$118,500.00 payable to plaintiffs Robert and Carol DeGuzman and their attorneys, Ryan & Lifter, and \$280,000.00 to fund the construction of a series of nine passive hydrostatic pressure relief wells on City property.

This action arises out of the alleged inverse condemnation/ dangerous condition of public property due to landslides in the Geranium Place/ Redwood Road area. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This matter was heard in closed session on March 6, 2012.

Respectfully submitted,


BARBARA PARKER
City Attomey

Attorney assigned:
William E. Simmons

Doc. No.: 916024

FILED
OFFICE OF THE CITY CLERK
OAKLAND
12 MAR - 7 PM 1:10


Office of the City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2012 MAR -7 PM 1:14

RESOLUTION NO. _____ C.M.S.

WES: csa

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DEGUZMAN V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG07355626, CITY ATTORNEY'S FILE NO. 25715, IN THE AMOUNT OF THREE HUNDRED NINETY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$398,500.00). (PUBLIC WORKS AGENCY) - INVERSE CONDEMNATION/DANGEROUS CONDITION.

WHEREAS, the Plaintiffs have filed a lawsuit alleging inverse condemnation/ dangerous condition of public property due to landslides in the Geranium Place/ Redwood Road area.

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; and now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of DeGuzman v. City of Oakland, et al., Alameda County Superior Court Case No. RG07355626, City Attorney File No. 25715, for the sum of Three Hundred Ninety-Eight Thousand Five Hundred Dollars (\$398,500.00): \$118,500.00 payable to plaintiffs Robert and Carol DeGuzman and their attorneys, Ryan & Lifter, and \$280,000.00 to fund the construction of a series of nine passive hydrostatic pressure relief wells on City property; and be it

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

FURTHER RESOLVED: that the sum of Three Hundred Ninety-Eight Thousand Five Hundred Dollars (\$398,500.00): \$118,500.00 payable to plaintiffs Robert and Carol DeGuzman and their attorneys, Ryan & Lifter, and \$280,000.00 to fund the construction of a series of nine passive hydrostatic pressure relief wells on City property.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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