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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
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City Attorney

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July 21, 2015

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Claim of Benner Enrique Lopez Ventura  
City Attorney Claim No. C30383 (Oakland Police Department  
Parking Enforcement – City vehicle v. pedestrian collision)**

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 the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00), payable to Benner Enrique Lopez Ventura and his Attorney Horacio J. Martinez Baca.

This action arises out of a June 30, 2014 vehicle vs. pedestrian incident in which a City driver struck the claimant while he was walking in a crosswalk on 9<sup>th</sup> Street at Jackson. Settlement of this matter is recommended to avoid the risk of litigation.

The Council authorized settlement of this case in Closed Session on Tuesday, June 30, 2015 (moved by Councilmember Larry Reid and seconded by Councilmember Dan Kalb - 6 Ayes, 2 Absent).

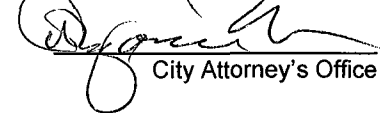
Respectfully submitted,

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

BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
James F. Hodgkins

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City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF BENNER ENRIQUE LOPEZ VENTURA (CLAIM NO.C30383) IN THE AMOUNT OF SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$7,500.00) AS THE RESULT OF INJURIES SUSTAINED IN A VEHICLE VS. PEDESTRIAN ACCIDENT ON JUNE 30, 2014 (OAKLAND POLICE DEPARTMENT PARKING ENFORCEMENT- CITY VEHICLE V. PEDESTRIAN COLLISION)**

**WHEREAS**, claimant filed a personal injury claim for injuries he sustained as the result of being struck by a City vehicle while walking in the crosswalk on 9<sup>th</sup> Street at Jackson on June 30, 2014; and

**WHEREAS**, the claimant filed the above entitled claim seeking payment for said damages; and

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

**RESOLVED:** That the City Attorney is authorized and directed to settle the claim of Benner Enrique Lopez Ventura, our file number C30383, in the amount of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00); and be it

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

**FURTHER RESOLVED:** That the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00), be made payable to Benner Enrique Lopez Ventura and Horacio J. Martinez Baca, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, 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