

CITY OF OAKLAND



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Office of the City Attorney  
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City Attorney

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July 3, 2007

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Elizabeth Spencer Franklin v. City of Oakland, et al.  
Alameda County Superior Court No. RG06257305  
Our File No. 24709 (OAKLAND POLICE DEPARTMENT –  
MOTOR VEHICLE ACCIDENT)**

President De La Fuente 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 action for the sum of Forty-Nine Thousand Dollars and No Cents (\$49,000.00) payable to Plaintiff Elizabeth Spencer Franklin and Bennett, Johnson & Galler, her attorney.

This case arises out of a motor vehicle accident in which an Oakland Police Department Officer Cory Hunt lost control of a patrol car in wet weather and broadsided Elizabeth Franklin's automobile on the ramp where I-580 merges with I-80 East on March 22, 2005. This settlement is recommended to avoid a potentially much larger adverse jury verdict. This settlement was approved by the City Council at Closed Session on June \_\_, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Arlene M. Rosen  
383714

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK

RESOLUTION NO. \_\_\_\_\_ C.M.S.

2007 JUL 21 AM 9:58



AMR/bjw

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ELIZABETH SPENCER FRANKLIN V. CITY OF OAKLAND, et al., ALAMEDA COUNTY SUPERIOR COURT NO. RG06257305, OUR FILE NO. 24709, IN THE AMOUNT OF \$49,000.00 (OAKLAND POLICE DEPARTMENT – MOTOR VEHICLE ACCIDENT)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Elizabeth Spencer Franklin v. City of Oakland, et al., City Attorney's File No. 24709, for a sum not to exceed Forty-Nine Thousand Dollars and No Cents (\$49,000.00) made payable to Plaintiff Elizabeth Spencer Franklin and Bennett, Johnson & Galler, her attorney.

**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 Forty-Nine Thousand Dollars and No Cents (\$49,000.00) made payable to Plaintiff Elizabeth Spencer Franklin and Bennett, Johnson & Galler, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LATONDA SIMMONS

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