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CITY OF OAKLAND



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June 19, 2012

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Paul Sandhu, et al. v. City of Oakland, et al.,
Alameda County Superior Court No. RG10544928
Our File No. 27570 (PUBLIC WORKS AGENCY –
INVERSE CONDEMNATION)**

President Reid and Members of the City Council:

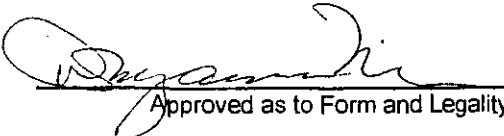
Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action for the sum of Sixty Thousand Dollars and No Cents (\$60, 00.00) payable to Horner & Singer LLP, in trust for Paul Sandhu, Manoj Tripathi, Kyung Son and William Jetter.

This action arises out of a blocked drainage inlet at 3rd and Oak Streets that caused water to intrude into and damage plaintiffs' residential and commercial units at 311 Oak Street on October 19, 2009. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This matter was discussed at closed session on June 5, 2012.

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
Arlene M. Rosen
964204


Approved as to Form and Legality

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RESOLUTION NO. _____ C.M.S.

CEV

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PAUL SANDHU, MANOJ TRIPATHI,, KYUNG SON and WILLIAM JETTER v. CITY OF OAKLAN, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10-544928, IN THE AMOUNT OF \$60,000.00 (PUBLIC WORKS AGENCY – INVERSE CONDEMNATION)

WHEREAS: Residential and commercial units at 311 Oak Street, owned by Plaintiffs Paul Sandhu, Manoj Tripathi, Kyung Son and William Jetter were damaged by the intrusion of water from an overflowing drainage inlet on October 19, 2009; and

WHEREAS: Plaintiffs Paul Sandhu, Manoj Tripathi, Kyung Son and William Jetter filed the above-referenced action to recover damages to their properties at 311 Oak Street; and

WHEREAS: The City has determined to compromise and settle Plaintiffs' claims against it for the sum of Sixty Thousand Dollars and no Cents (\$60,000.00);

NOW, THEREFORE, BE IT RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Paul Sandhu, Manoj Tripathi, Kyung Son and William Jetter v. City of Oakland, Alameda County Superior Court Bi, RG10544928, City Attorney's File No. 27570 for a sum not to exceed Sixty Thousand Dollars and no Cents (\$60,000.00), payable by the City of Oakland.

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 sum of Sixty Thousand Dollars and no Cents (\$60,000.00) be paid to Horner & Singer LLP, in trust for Paul Sandhu, Manoj Tripathi, Kyung Son and William Jetter.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

- AYES- DE LA FUENTE, KERNIHGAN, NADEL, BRUNNER, SCHAFF, BROOKS, KAPLAN and PRESIDENT REID
- NOES-
- ABSENT-
- ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California