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CITY OF OAKLAND



2003 OCT 23 PM 12:03

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

Office of the City Attorney  
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November 4, 2003

**HONORABLE CITY COUNCIL**  
Oakland, California

President De La Fuente and Members of the City Council:

**Subject:           *Audrey Yuen, et al. v. City of Oakland, et. al.***  
**Alameda County Superior Court**  
**Case No. 834096-8**  
**Our Matter No. 20508 (Public Works)**

Pursuant to Section 401 of the Charter, the City Attorney recommends settlement of the above-entitled matter arising out of a December 29, 1999 incident wherein contaminated sewage entered plaintiffs' residence due to the negligent testing of a sewer pipe wherein plaintiffs claim nuisance, negligence and diminution of value of their property.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the total amount of Two Hundred Twenty-five Thousand Dollars (\$225,000) to be paid by the City of Oakland. The proposed settlement is to be made payable to Audrey Yuen and Gilbert Yuen and their attorney, Dorine Kohn, Esq.

Respectfully submitted,

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
James F. Hodgkins

10.8 CC  
ORA/COUNCIL  
NOV - 4 2003

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION No. \_\_\_\_\_ C.M.S.



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JFH/aah

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF AUDREY YUEN & GILBERT YUEN v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. 834096-8, OUR FILE NO. 20508, IN THE AMOUNT OF \$225,000.00 AS A RESULT OF SEWAGE INTRUSION INTO PLAINTIFFS' HOME. (OFFICE OF PUBLIC WORKS)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Audrey Yuen, Gilbert Yuen v. City of Oakland, et al., Alameda County Superior Court Case No. 834096-8, City Attorney's File No. 20508, for a sum not to exceed a total of Two Hundred Twenty-Five Thousand Dollars and No Cents (\$225,000.00) payable by the City of Oakland to Audrey Yuen, Gilbert Yuen and Dorine Kohn, Esq., their attorney of record.

**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 Two Hundred Twenty-Five Thousand Dollars and No Cents (\$225,000.00) be paid to Audrey Yuen, Gilbert Yuen, and Dorine Kohn Esq., their attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

313771

*10.8CC*  
**ORA/COUNCIL**  
**NOV - 4 2003**