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CITY OF OAKLAND



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

Office of the City Attorney
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Acting City Attorney

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July 5, 2011

HONORABLE CITY COUNCIL
Oakland, California

Subject: Monica Ivon Orduno v. City of Oakland, et al.
Alameda County Superior Court Action No. RG08-407042
City Attorney File No. 26433 (OPW)

President Reid and Members of the City Council:

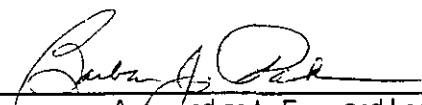
Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the sum of Seven Hundred Fifty Thousand Dollars and No Cents (\$750,000.00) payable to Monica Orduno Qualified Settlement Fund.

This action arises from an incident on September 19, 2007, wherein Ms. Orduno, a pedestrian, was struck by a vehicle involved in an accident at the intersection of MacArthur Blvd. and Martin Luther King Jr. Way Settlement in this amount was discussed and approved in closed session on June 21, 2011.

Respectfully submitted,


BARBARA J. PARKER
Acting City Attorney

Attorney Assigned:
OUTSIDE COUNSEL


Approved as to Form and Legality

OFFICE OF THE CITY CLERK
OAKLAND
2011 JUN 23 PM 12:45

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MONICA IVON ORDUNO V. CITY OF OAKLAND, ET AL. ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG08-407042 IN THE AMOUNT OF \$750,000.00 AS A RESULT OF BEING STRUCK BY A CAR AT THE INTERSECTION OF MACARTHUR BLVD AND MARTIN LUTHER KING JR. WAY. (OPW)

WHEREAS, on September 19, 2007 Monica Ivon Orduno was struck by a vehicle at the intersection of MacArthur Blvd. and Martin Luther King Jr. Way; and

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,

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Monica Ivon Orduno v. City of Oakland, City Attorney's File No. 26433, for the sum of Seven Hundred Fifty Thousand Dollars and No Cents (\$750,000.00); 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 Seven Hundred Fifty Thousand Dollars and No Cents (\$750,000.00) be payable to Monica Orduno Qualified Settlement Fund.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

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

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