

FILED  
OFFICE OF THE CITY CLERK,  
OAKLAND

CITY OF OAKLAND



13 OCT 17 PM 3:08

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

Office of the City Attorney  
Barbara J. Parker  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TDD: (510) 839-6451

November 5, 2013

HONORABLE CITY COUNCIL  
Oakland, California

Subject: Fred Fakraei v. City of Oakland, et al.  
Alameda County Superior Court No. RG12-643200  
City Attorney File No. 28751  
(Oakland Fire Department-Vehicle Collision)

President Kernighan 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 Five Hundred Fifty Thousand Dollars and No Cents (\$550,000.00) payable to Plaintiff Fred Fakraei and his attorney Michael Horowitz.

This action arises from an incident on June 23, 2011, wherein Mr. Fakraei was injured when he collided with a City of Oakland fire department inspection vehicle which ran a red light at 11<sup>th</sup> and Clay Streets. This matter was heard in closed session on October 1, 2013 and October 15, 2013.

Respectfully submitted,

A handwritten signature in black ink that reads "Barbara J. Parker". The signature is written in a cursive style.

BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
JAMES F. HODGKINS

*[Signature]*  
City Attorney's Office

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

13 OCT 17 PM 3:09

# OAKLAND CITY COUNCIL

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

JFH

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF FRED FAKRAEI v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12-643200 IN THE AMOUNT OF \$550,000.00 AS A RESULT OF A VEHICLE ACCIDENT AT 11<sup>TH</sup> AND CLAY STREETS (OAKLAND FIRE DEPARTMENT-VEHICLE COLLISION)**

**WHEREAS:** Fred Fakraei was injured when the vehicle he was driving collided with an Oakland Fire Department inspection vehicle at 11<sup>th</sup> and Clay Streets; and

**WHEREAS:** Mr. Fakraei sustained serious injuries requiring medical treatment as a result of this accident; and

**WHEREAS:** In order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Fred Fakraei v. City of Oakland, City Attorney's File No. 28751, for the sum of Five Hundred Fifty Thousand Dollars and No Cents (\$550,000.00); 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 Five Hundred Fifty Thousand Dollars and No Cents (\$550,000.00) be payable to Plaintiff Fred Fakraei and his attorney Michael Horowitz.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2013

PASSED BY THE FOLLOWING VOTE:

AYES: SCHAAF, BROOKS, KAPLAN, GALLO, KALB, GIBSON McELHANEY, REID and  
PRESIDENT KERNIGHAN

NOES:

ABSENT:

ABSTENTION:

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

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