

OFFICE OF THE CITY ATTORNEY
CITY OF OAKLAND

CITY OF OAKLAND



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Office of the City Attorney
John A. Russo
City Attorney

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November 6, 2007

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Marsha Peterson v. City of Oakland
Alameda County Superior Court Case No. RG07332548
City Attorney File No. 25538 (Public Works Agency)**

President De La.Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution and recommends settlement of the above-entitled action, for the sum of Twenty-Five Thousand Dollars and No Cents (\$25,000.00), payable to Marsha Peterson and her attorney, David Stein, Esq.

This action arises from a sewer back up onto plaintiff's property located at 6625 Banning Drive on May 9, 2006. The City was aware of a problem of tree roots in the sewer system servicing plaintiff's property prior to the time that plaintiff's property was damaged. This matter was not a closed session item.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John A. Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Jannie L Wong

419450


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

JLW:dw

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MARSHA PETERSON V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG07332548 IN THE AMOUNT OF \$25,000 (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Marsha Peterson v. City of Oakland, Alameda County Superior Court Case No. RG07332548, City Attorney's File No. 25538 for a sum not to exceed a total amount of Twenty-Five Thousand Dollars and No Cents (\$25,000.00).

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 Twenty-Five Thousand Dollars and No Cents (\$25,000.00) be paid to Marsha Peterson and David Stein, Esq. her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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