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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89090 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIMS OF PLAINTIFF STATE OF CALIFORNIA, DEPARTMENT OF SOCIAL SERVICES, IN-HOME SUPPORT SERVICES IN THE CASE OF MINA NADIM V. CITY OF OAKLAND, LOUIS VINCENT DIANDA, AND DOES 1 TO 10, INCLUSIVE; STATE OF CALIFORNIA, DEPARTMENT OF SOCIAL SERVICES, IN-HOME SUPPORT SERVICES V. CITY OF OAKLAND, LOUIS VINCENT DIANDA, AND DOES 1 TO 10, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG18909548 (CONSOLIDATED WITH CASE NO. RG18926171), CITY ATTORNEY'S FILE NOS. 32665 AND 32786, IN THE AMOUNT OF ONE HUNDRED SEVENTY-TWO THOUSAND SIX HUNDRED FORTY-FIVE DOLLARS AND ZERO CENTS (\$172,645.00) (DEPARTMENT OF TRANSPORTATION – MOTOR VEHICLE COLLISION)

WHEREAS, an Oakland Department of Transportation truck driven by City employee Louis Vincent Dianda collided with Plaintiff Mina Nadim while Plaintiff Nadim was crossing the street at the intersection of Moraga Avenue and La Salle Avenue on January 18, 2018;

WHEREAS, Plaintiff State of California, Department of Social Services, In-Home Support Services (“IHSS”) alleges that Plaintiff Nadim was in the employment of IHSS at the time of the collision and that as a result of the collision, Plaintiff Nadim sustained injuries, including a traumatic brain injury, a concussion, and laceration to the scalp, lost income, and sustained other damages;

WHEREAS, Plaintiff IHSS alleges it paid workers’ compensation benefits, including medical and disability benefits, to or on behalf of Plaintiff Nadim as a result of the collision;

WHEREAS, Plaintiff IHSS filed a workers’ compensation subrogation lawsuit alleging negligent operation of a motor vehicle against the City of Oakland and Louis Vincent Dianda in Alameda County Superior Court, Case No. RG18926171, which was consolidated with Case No. RG18909548, Plaintiff Nadim’s lawsuit against the City of Oakland and Louis Vincent Dianda concerning the same incident;

WHEREAS, Plaintiff IHSS has agreed to resolve its claims against the City of Oakland and Louis Vincent Dianda for a settlement payment of \$172,645.00;

WHEREAS, the City does not admit any wrongdoing, liability, or any of Plaintiff IHSS's or Plaintiff Nadim's allegations and has considered all the evidence, litigation costs, and litigation risks in this case; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the claims of Plaintiff IHSS against the City and co-Defendant Dianda in the case of Mina Nadim v. City of Oakland, Louis Vincent Dianda, and DOES 1 to 10, inclusive; State of California, Department of Social Services, In-Home Support Services v. City of Oakland, Louis Vincent Dianda, and DOES 1 to 10, inclusive, Alameda Superior Court Case No. RG18909548 (consolidated with Case No. RG18926171), City Attorney's File Nos. 32665 and 32786, for the sum of One Hundred Seventy-Two Thousand Six Hundred Forty-Five Dollars and Zero Cents (\$172,645.00); 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 15 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, ~~MURPHY~~, KALB, KAPLAN, REID, TAYLOR, ~~MURPHY~~ AND PRESIDENT FORTUNATO BAS 6

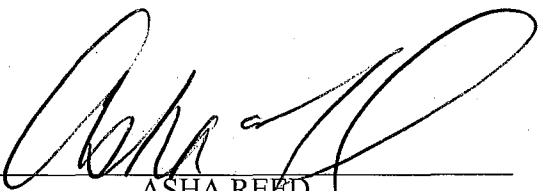
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 2 Gallo $\frac{1}{2}$ Thas

ATTEST:


ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California