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OFFICE OF THE CITY ATTORNEY
OAKLAND

17 OCT 18 PM 1:42

CITY OF OAKLAND



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Office of the City Attorney
Barbara Parker
City Attorney

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November 7, 2017

HONORABLE CITY COUNCIL
Oakland, California

Subject: Pelayo v. City of Oakland
Case No. RG16829240
City Attorney File No. 31305
(Oakland Police Department – Vehicle Collision)

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 claim for the sum of Thirty Thousand Dollars and Zero Cents (\$30,000.00), payable to Lucio G. Pelayo and Alberto Pelayo.

This action arises out of a vehicle collision on February 2, 2017, involving an Oakland Police Officer driving a police vehicle at the intersection of 51st Avenue and International Boulevard.

The Council authorized settlement of this case in Closed Session on Tuesday, October 17, 2017 (moved by Councilmember KALB and seconded by Councilmember MCELHANEY - 8 Ayes).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barbara J. Parker, for".

BARBARA J. PARKER
City Attorney

FILED
CITY OF THE COUNTY OF ALAMEDA
OAKLAND

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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LUCIO G. PELAYO & ALBERTO PELAYO V. MATTHEW JUNG & THE CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG16829240, IN THE AMOUNT OF THIRTY THOUSAND DOLLARS AND NO CENTS (\$30,000.00) AS A RESULT OF A VEHICLE COLLISION ON FEBRUARY 2, 2016 (OAKLAND POLICE DEPARTMENT - NEGLIGENCE)

WHEREAS, Lucio and Alberto Pelayo were injured when they were involved in a vehicle accident with an Oakland Police vehicle, operated by an Oakland Police Officer, on February 2, 2016; and

WHEREAS, Lucio and Alberto Pelayo sustained injuries and received medical treatment as a result of that accident; and

WHEREAS, Lucio and Alberto Pelayo sustained damage to their personal property as a result of that accident; and

WHEREAS, Alameda County Superior Court Action RG16829240 was filed against the City of Oakland and Oakland Police Officer Matthew Jung alleging negligence;

WHEREAS, 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 Lucio G. Pelayo & Alberto Pelayo v. Matthew Jung & the City of Oakland, et al. Alameda County Superior Court Case No. RG16829240, City Attorney's File No. 31305, for the sum of Thirty Thousand Dollars and No Cents (\$30,000.00); 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, GIBSON MCELHANEY, AND
PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

2241680