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CITY OF OAKLAND



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October 7, 2014

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Michael Cortez, Ricardo Toscano v. City of Oakland
Alameda County Superior Court Case No. RG13678090
City Attorney File No. 29603
(Public Works Agency – Employment Discrimination)**

President Kernighan and Members of the City Council:

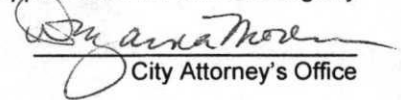
Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of Six Hundred and Fifty-Five Thousand Dollars and no Cents (\$655,000.00), payable to Plaintiffs Michael Cortez, Ricardo Toscano, their attorneys Richard Vaznaugh, and on Cortez's behalf to BARCO Assignments Ltd.

This action arises out of Plaintiffs Michael Cortez and Ricardo Toscano alleging that Defendants harassed them and discriminated against them on the basis of their race during the performance of their jobs as Street Sweepers.

Respectfully submitted,

BARBARA J. PARKER
City Attorney

Attorney assigned:
Wendy M. Garbers



City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MICHAEL CORTEZ AND RICARDO TOSCANO VS. CITY OF OAKLAND AND RICKY PERSONS, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13678090, CITY ATTORNEY'S FILE NO. 29603, IN THE AMOUNT OF SIX HUNDRED AND FIFTY FIVE THOUSAND DOLLARS (\$655,000.00) (PUBLIC WORKS AGENCY – EMPLOYMENT DISCRIMINATION)

WHEREAS, Plaintiffs Michael Cortez and Ricardo Toscano allege that Defendant harassed them and discriminated against them on the basis of their race during the performance of their jobs as Street Sweeper; and

WHEREAS, Plaintiffs Michael Cortez and Ricardo Toscano filed the above referenced action to recover monetary damages for their alleged injuries; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiffs Michael Cortez and Ricardo Toscano's claims against it and co-defendant Persons for the sum of Six Hundred and Fifty-Five Thousand Dollars and No Cents (\$655,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Michael Cortez and Ricardo Toscano vs. City of Oakland and Ricky Persons, Alameda County Superior Court Case No. RG13678090, for a sum not to exceed Six Hundred and Fifty-Five Thousand Dollars and No Cents (\$655,000.00) payable by the City of Oakland. Said amount will be paid in seven checks for distribution in 2014 and 2015 as follows: \$147,136.00 to the Law Office of Richard Vaznaugh; \$100,000.00 to the Law Office of Richard Vaznaugh; \$90,000.00 to Michael Cortez; \$80,750.00 to Michael Cortez; \$52,000.00 to Ricardo Toscano; \$52,114.00 to Ricardo Toscano; and \$133,000.00 to BARCO Assignments Ltd; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN

NOES -
ABSENT -
ABSTENTION -

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