

14 SEP 25 PM 2:50

CITY OF OAKLAND



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

October 7, 2014

HONORABLE CITY COUNCIL
Oakland, California

Subject: Cecilio Felix v. City of Oakland, et al.
Alameda County Superior Court No. RG11-586564
City Attorney File No. 28210
(Public Works Department – Vehicle vs. Pedestrian Accident)

President Kernighan and Members of the City Council:

Pursuant to Section 401 of the City 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 Seventy-Five Thousand Dollars and No Cents (\$75,000.00) payable to Plaintiff Cecilio Felix and his attorney Christopher B. Dolan.

This action arises from an incident on June 25, 2010, wherein Mr. Felix was injured while crossing in the crosswalk and was struck by a vehicle at the intersection of 18th and Brush Streets in Oakland as that vehicle was attempting to make a left turn from 18th Street onto Brush Street. Mr. Felix sustained serious injuries in that accident requiring hospitalization.

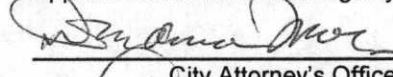
The Council authorized settlement of this case in Closed Session on Tuesday, September 23, 2014 (moved by Councilmember Noel Gallo and seconded by Councilmember Gibson McElhaney - 5 Ayes, 1 Absent – Larry Reid, 1 Noe – Libby Schaff, 1 Abstention – Desley Brooks).

Respectfully submitted,

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Charles E. Vose

14 SEP 25 PM 2:50


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

CEV

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CECILIO FELIX V. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11-586564, IN THE AMOUNT OF SEVENTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00) AS A RESULT OF A VEHICLE VERSES PEDESTRIAN ACCIDENT ON OR ABOUT JUNE 25, 2010 (PUBLIC WORKS DEPARTMENT)

WHEREAS, Cecilio Felix was seriously injured when he was struck by a vehicle in the intersection at 18th and Brush Streets in the City of Oakland on June 25, 2010; and

WHEREAS, Mr. Felix sustained serious injuries requiring medical treatment as a result of this accident; and

WHEREAS, Alameda County Superior Court Action RG11-586564 was filed against the City of Oakland alleging a dangerous condition of public property; 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 Cecilio Felix v City of Oakland, City Attorney's File No. 28210, for the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00); 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 Seventy-Five Thousand Dollars and No Cents (\$75,000.00) be payable to Plaintiff Cecilio Felix and his attorney Christopher B. Dolan.

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