

11 MAR 22 PM 4:07 CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
John A. Russo  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TTY/TDD: (510) 238-7367

April 5, 2011

**HONORABLE CITY COUNCIL**  
Oakland, California

Subject: Peter C. Lee v. City of Oakland, et al.  
United States District Court, Court Case No. C09-06033 WHA  
Our File No. X03578 (Community and Economic Development Agency)

President Reid and Members of the City Council:

Pursuant to §401 of the Charter, the City Attorney has prepared a resolution and requests your approval of same, authorizing compromise and settlement of the above-entitled action in the total sum of Fifty Five Thousand Dollars and no cents (\$55,000), payable to plaintiff Peter C. Lee and his attorney of record, Mitchell J. Green, Curtis & Green.

The action claims that Peter C. Lee was a returning Iraqi War Veteran who worked for the Port of Oakland and, along with other Port Engineers, was denied the right to bump into the City. He brought a claim under a federal statute, the Uniformed Services Employment and Reemployment Rights Act against the Port and the City. Each defendant will contribute \$55,000 for a combined settlement of \$110,000.

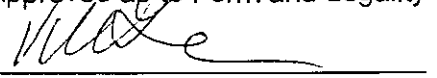
The settlement is recommended as a compromise of this entire matter. This matter was presented in Closed Session on March 15, 2011.

Respectfully submitted,

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

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Vicki Laden

  
Oakland City Attorney's Office

2011 MAR 23 PM 4: 21

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PETER C. LEE V. CITY OF OAKLAND, UNITED STATES DISTRICT COURT CASE NO. C 09-06033 WHA, OUR FILE NO. X03578, IN THE AMOUNT OF \$55,000.00 (COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Peter C. Lee v. City of Oakland, United States District Court Case No. G 09-06033 WHA, City Attorney's File No. X03578, for a sum not to exceed a total amount of Fifty Five Thousand Dollars and No Cents (\$55,000), payable to Peter C. Lee and Mitchell J. Green, Curtis & Green, plaintiff's attorney of record.

**FURTHER RESOLVED:** That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect this settlement; and be it

**FURTHER RESOLVED:** That the sum of Fifty Five Thousand Dollars and No Cents (\$55,000.00) be paid to Peter C. Lee and Mitchell C. Green, Curtis & Green, plaintiff's attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNER, KERNIGHAN, NADEL, SCHAAF, DE LA FUENTE, BROOKS,  
KAPLAN, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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