

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

CITY OF OAKLAND



09 OCT -5 AM 10:18

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) 238-3254

October 20, 2009

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Loretta Hongo v. City of Oakland; et al.  
Alameda County Superior Court No. RG08379146  
Our File No. 25962 (PUBLIC WORKS AGENCY-  
PERSONAL INJURY)**

---

President Brunner and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution authorizing and recommending settlement of the above-captioned matter for the sum of Twenty-Four Thousand Dollars and No Cents (\$24,000.00) made payable to Plaintiff Loretta Hongo and John C. Smith, Jr., Esq., her attorney.

This action arises out of plaintiff's trip and fall on an uneven portion of the sidewalk at 3430 Fruitvale Avenue, Oakland, California, on November 17, 2006. This matter was not presented at Closed Session.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Demetrius D. Shelton  
592980

OAKLAND CITY COUNCIL

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2009 OCT -7 AM 10:14

RESOLUTION NO. \_\_\_\_\_ C.M.S.



DDS/bjw

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LORETTA HONGO v. CITY OF OAKLAND, et al., ALAMEDA COUNTY SUPERIOR COURT NO. RG08379146, OUR FILE NO. 25962, IN THE AMOUNT OF \$24,000.00 (PUBLIC WORKS AGENCY - PERSONAL INJURY)**

**WHEREAS:** Plaintiff Loretta Hongo has filed the above-captioned lawsuit alleging that a dangerous condition of City of Oakland property, to wit a cracked and uneven portion of sidewalk located at 3430 Fruitvale Avenue, Oakland, California caused her to trip and fall; and

**WHEREAS:** Plaintiff Loretta Hongo alleges that she sustained injury and damages caused by the trip and fall; and

**WHEREAS:** the City of Oakland, without admitting guilt, wrongdoing or liability of any sort whatsoever, believes that it is in the best interest of the City of Oakland to terminate the above-captioned lawsuit through settlement.

**THEREFORE BE IT RESOLVED:** that the City Attorney is authorized and directed to compromise and settle the case of Loretta Hongo v. City of Oakland, et al., City Attorney's File No. 25962, for a sum not to exceed Twenty-Four Thousand Dollars and No Cents (\$24,000.00) made payable to Plaintiff Loretta Hongo and John C. Smith, Jr., Esq., her attorney.

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

**FURTHER RESOLVED:** that the sum of Twenty-Four Thousand Dollars and No Cents (\$24,000.00) made payable to Plaintiff Loretta Hongo and John C. Smith, Jr., Esq., her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,  
AND PRESIDENT BRUNNER

NOES -  
ABSENT -  
ABSTENTION -

ATTEST:

\_\_\_\_\_  
LaTONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California