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CITY OF OAKLAND



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Office of the City Attorney  
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March 15, 2011

HONORABLE CITY COUNCIL  
Oakland, California

Subject: Noemi Betel Olivares v. City of Oakland  
Alameda County Superior Court No. RG10-496217  
City Attorney File No. 27409 (Police Services Agency)

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 the City Attorney to compromise and settle the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Seventeen Thousand Five Hundred Dollars and No Cents (\$17,500.00) payable to Plaintiff Noemi Betel Olivares and James Bachan, her attorney.

This action arises from a motor vehicle collision on March 17, 2009. Ms. Olivares was injured when a vehicle she was driving was struck by an Oakland Police vehicle in the intersection of International Boulevard and 16<sup>th</sup> Avenue. The police vehicle was on normal patrol and did not have its emergency lights or siren activated. Ms. Olivares sustained serious injuries requiring medical treatment as a result of this accident. This matter was not heard in closed session.

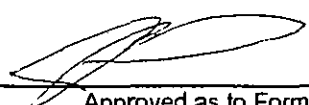
Respectfully submitted,

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

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
CHARLES E. VOSE

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
Approved as to Form and Legality

# OAKLAND CITY COUNCIL

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

CEV

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF NOEMI BETEL OLIVARES v. CITY OF OAKLAND AND BRYAN FRANKS, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10-496217, IN THE AMOUNT OF \$17,500.00 AS A RESULT OF A MOTOR VEHICLE COLLISION AT INTERNATIONAL BOULEVARD AND 16<sup>TH</sup> AVENUE ON MARCH 17, 2009 (POLICE SERVICES AGENCY)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Noemi Betel Olivares v. City of Oakland and Bryan Franks, City Attorney's File No. 27409, for the sum of Seventeen Thousand Five Hundred Dollars and No Cents (\$17,500.00); 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 Seventeen Thousand Five Hundred Dollars and No Cents (\$17,500.00) be payable to Plaintiff Noemi Betel Olivares and James Bachan, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- DE LA FUENTE, KERNIHGAN, NADEL, BRUNNER, SCHAFF, BROOKS, KAPLAN and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

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