

FILED
OFFICE OF THE CITY ATTORNEY
CITY OF OAKLAND



13 JUL 18 AM 11:55

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

Office of the City Attorney
Barbara Parker
City Attorney

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July 30, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Bruce Thrupp v. City of Oakland, et al.
Case No. RG12-626587
City Attorney File No. 28665 (Public Works Agency)

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 matter for the sum of Fifty-Seven Thousand Seven Hundred Dollars and no/cents (\$57,700.00), payable to Bruce Thrupp and Kevin B. Kevorkian, his attorney.

This action arises out of the failure of a City storm drain that occurred on or about July 21, 2011. The storm drain was located in the public right of way in front of Plaintiff's property located at 5745 Cabot Drive in the Oakland Hills, causing water runoff and erosion onto Plaintiff's property.

This matter was heard in closed session on Tuesday, July 2, 2013.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney assigned:
Charles E. Vose

1162057

Barbara J. Burke
Office of the City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

13 JUL 18 AM 11:55
RESOLUTION NO. _____ C.M.S.

CEV:ah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BRUCE THRUPP v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12-626587, IN THE AMOUNT OF FIFTY-SEVEN THOUSAND SEVEN HUNDRED DOLLARS AND NO CENTS (\$57,700.00) AS A RESULT OF THE FAILURE OF A CITY STORM DRAIN PIPE ON OR ABOUT JULY 21, 2011 (PUBLIC WORKS AGENCY)

WHEREAS, On or about July 21, 2011, a City owned storm drain pipe located in the public right of way in front of Bruce Thrupp's property at 5745 Cabot Drive in Oakland failed, causing substantial water run-off and soil erosion onto Plaintiff's property; and

WHEREAS, Alameda County Superior Court Case No. RG12-626587 resulted from this incident; and

WHEREAS, It is in the City's best interest to settle this case to avoid the possibility of an adverse jury verdict; and

NOW, THEREFORE, BE IT RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Bruce Thrupp v. City of Oakland, Alameda County Superior Court Case Number RG12-626587, City Attorney's Office File No. 28665, for the sum of Fifty-Seven Thousand Seven Hundred Dollars and No Cents (\$57,700.00); 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 Fifty-Seven Thousand Seven Hundred Dollars and No Cents (\$57,700.00) be payable to Plaintiff Bruce Thrupp and Kevin B. Kevorkian, Esquire, his attorney.

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