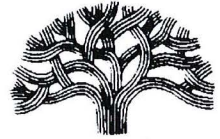


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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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November 3, 2015

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Eufemia Palacios and Idania Carmona v. City of Oakland
Alameda Superior Court Case No. RG14741812
City Attorney File No. 29307
(Public Works Department –Motor Vehicle Accident)**

President McElhaney 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 compromise and settlement of the above-entitled claim for the sum of Fifty Thousand Dollars and no Cents (\$50,000.00) divided between the parties: Twenty-Seven Thousand One Hundred Forty-Two Dollars and Eighty-Six Cents (\$27,142.86) payable to Eufemia Palacios and Arlo Garcia Uriarte, her attorney of record and Twenty-Two Thousand Eight Hundred Fifty-Seven Dollars and Fourteen Cents (\$22,857.14) payable to Idania Carmona and Arlo Garcia Uriarte, her attorney of record.

This action arises out of a motor vehicle accident involving a public works van that occurred on September 28, 2012 at 14th and Franklin Streets.

The Council authorized settlement of this case in Closed Session on Tuesday, October 20, 2015 (moved by Councilmember Larry Reid and seconded by Councilmember Rebecca Kaplan - 7 Ayes; 1 Noe – Councilmember Abel Guillén).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker, for". The signature is cursive and somewhat stylized.

BARBARA J. PARKER
City Attorney

Attorney assigned:
Tracy Chriss

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City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PALACIOS AND CARMONA v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14741812, CITY ATTORNEY'S FILE NO. 29307, IN THE AMOUNT OF FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00) (PUBLIC WORKS DEPARTMENT – MOTOR VEHICLE ACCIDENT)

WHEREAS, Eufemia Palacios and Idania Carmona allege that on September 28, 2012, they were involved in a motor vehicle collision involving a City vehicle, driven by a City employee at 14th and Franklin Streets; and

WHEREAS, Ms. Palacios and Ms. Carmona sustained injuries requiring medical treatment as a result of the accident; and

WHEREAS, Ms. Palacios and Ms. Carmona filed the above-referenced action to recovery monetary damages for their alleged injuries; and

WHEREAS, the City has determined that settlement in the amount of Fifty Thousand Dollars and No Cents (\$50,000.00), without an admission of liability, is in the best interest of the City; and

WHEREAS, the settlement will be divided between the parties: Ms. Palacios will receive twenty-seven thousand one hundred forty-two dollars and eighty six cents (\$27,142.86) in settlement of her claims and Ms. Carmona will receive twenty-two thousand eight hundred fifty-seven dollars and fourteen cents (\$22,857.14) in settlement of her claims for a total settlement amount of fifty thousand dollars (\$50,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Palacios and Carmona v. City of Oakland, Alameda County Superior Court Case No. RG14741812, City Attorney's File No. 29307, for the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) with Twenty-Seven Thousand One Hundred Forty-Two Dollars and Eighty Six Cents (\$27,142.86) payable to Ms. Palacios and Arlo Garcia Uriarte, her attorney of record and Twenty-Two Thousand Eight Hundred Fifty-Seven Dollars and Fourteen Cents (\$22,857.14) payable to Ms. Carmona and Arlo Garcia Uriarte, her attorney of record; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps are necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

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