

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE LAWSUIT OF JACQUELINE VELASQUEZ, CARLA MENDOZA AND JONATHAN MENDOZA CALMO, A MINOR, BY HIS GUARDIAN AD LITEM, VICTORINA CALMO V. CITY OF OAKLAND AND DOES 1 THROUGH 100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG18896233, CITY ATTORNEY FILE NO. 32520, BY PAYMENT IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$500,000.00) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, on July 5, 2017 at approximately 9:00 p.m. an individual drove a vehicle into pedestrians Jacqueline Velasquez, Carla Mendoza, and Jonathan Mendoza Calmo in the crosswalk across Fruitvale Avenue at the intersection of Brookdale Avenue, leading to serious injuries to the pedestrians, including paralysis to Jonathan Mendoza Calmo; and

WHEREAS, Jacqueline Velasquez, Carla Mendoza, and Jonathan Mendoza Calmo sued the City of Oakland, claiming that the intersection was a dangerous condition of public property; and

WHEREAS, the City prevailed on its motion for summary judgment, and the case is presently before the California Court of Appeal; and

WHEREAS, the City has considered all of the evidence and litigation risk in this case, and determined that it is in the City's best interest to settle this lawsuit, without admitting liability or wrongdoing and to avoid further litigation; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Jacqueline Velasquez, Carla Mendoza, and Jonathan Mendoza Calmo, by his guardian ad litem Victorina Calmo v. City of Oakland and Does 1 through 100*, Alameda County Superior Court Case No. RG18896233, by payment to Plaintiffs of the sum of five hundred thousand dollars and zero cents (\$500,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California