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CITY OF OAKLAND



09 MAY 20 PM 4:01

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

Office of the City Attorney  
John A. Russo  
City Attorney

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June 2, 2009

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Victor Martinez v. City of Oakland, et al.**  
**Alameda County Superior Court Case No. RG08407717**  
**Our File No. X03218**

President Brunner and Members of the City Council:

Pursuant to §401 of the Charter, the City Attorney has prepared a resolution and requests your approval of same, authorizing compromise and settlement of the above-entitled action in the total sum of \$98,000, payable to plaintiff Victor Martinez and his attorneys of record, the Law Offices of Michael S. Sorgen.

The action claims that Mr. Martinez experienced national origin based discrimination as well as retaliation when he was not selected by the City for the position of Equal Opportunity Manager. The settlement is recommended as a compromise of this matter. This matter was presented in Closed Session on May 19, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Russo', written in a cursive style.

JOHN A. RUSSO  
City Attorney


Attorney Assigned:  
Vicki Laden

544326

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Approved as to Form and Legality

  
Office of the City Attorney

# OAKLAND CITY COUNCIL

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

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF VICTOR MARTINEZ V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG08407717, IN THE AMOUNT OF NINETY EIGHT THOUSAND DOLLARS AND NO CENTS (\$98,000.00) (CITY ADMINISTRATOR)**

**WHEREAS:** Victor Martinez claims that he experienced national origin based discrimination and retaliation when he was not selected for the position of Equal Opportunity Manager by the City.

**WHEREAS:** Settlement is recommended as a compromise of this matter in order to avoid the risks associated with proceeding to trial, and Mr. Martinez has agreed to accept the amount of Ninety-Eight Thousand Dollars (\$98,000.00) in payment from the City, subject to approval of the Oakland City Council, as full settlement of his claims against the City; it is hereby

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Victor Martinez v. City of Oakland, et al., Alameda County Superior Court Case No. RG08-407717, City Attorney's File No. X03218, for a sum not to exceed a total amount of Ninety Eight Thousand Dollars and No Cents (98,000.00), payable by the City of Oakland.

**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 Ninety Eight Thousand Dollars and No Cents (\$98,000.00), be paid to Victor Martinez and Michael S. Sorgen, his attorney of record.

**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

Date of Attestation: \_\_\_\_\_