

OFFICE OF THE CITY CLERK

CITY OF OAKLAND



2006 JUN -7 AM 8:40

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Office of the City Attorney
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City Attorney

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June 20, 2006

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Saca v. City of Oakland, et al.*
Alameda County Superior Court Case No. RG 05224708
File No. 24641 – Office of Public Works –
Premises Liability – Trip and Fall

President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends adoption of a resolution authorizing compromise and settlement of the plaintiff's claims in the above-entitled lawsuit for the sum of Fourteen Thousand Two Hundred and Fifty Dollars (\$14,250.00), payable to Julio Saca, Guardian Ad Litem for plaintiff Luis Saca, a minor, and Alan M. Scharlach, Esq., his attorney of record, as authorized by the City Council in closed session on Tuesday, May 30, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

373477

2006 JUN -7 AM 8:40 OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

GYL

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LUIS SACA v. CITY OF OAKLAND, ET AL., SUPERIOR COURT, COUNTY OF ALAMEDA, CASE NO. RG05224708, IN THE AMOUNT OF \$14,250.00 AS A RESULT OF TRIP AND FALL ON A CONCRETE STAIR LOCATED OFF THE 29TH AVENUE OVERPASS OVER THE 880 FREEWAY (PUBLIC WORKS – PREMISES LIABILITY)

WHEREAS, on July 5, 2005, Luis Saca, through his Guardian Ad Litem Julio Saca sued the City of Oakland and the California Department of Transportation after the minor plaintiff tripped and fell over a concrete stair on November 4, 2004; and

WHEREAS, on May 30, 2006, after careful and due consideration, the Oakland City Council at closed session authorized settlement of Luis Saca's claims in this referenced matter for the collective amount of Fourteen Thousand and Two Hundred Fifty Dollars and No Cents (\$14,250.00); and

WHEREAS, Luis Saca, through his Guardian ad Litem Julio Saca has agreed to accept the collective amount of Fourteen Thousand and Two Hundred Fifty Dollars and No Cents (\$14,250.00) as full settlement of their claims in this referenced action; and

WHEREAS, the settlement as to Luis Saca, a minor, must be approved by the Superior Court; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Luis Saca, a minor, by and through his Guardian ad Litem Julio Saca v. City of Oakland, et al., City Attorney's File No. 24641, for the sum of Fourteen Thousand and Two Hundred Fifty Dollars and No Cents (\$14,250.00), subject to approval by the Superior Court; 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

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FURTHER RESOLVED: That upon approval by the Superior Court of Luis Saca's minor's compromise, the sum of Fourteen Thousand and Two Hundred Fifty Dollars and No Cents (\$14,250.00) be payable to Julio Saca as Guardian Ad Litem for Luis Saca and Alan M. Scharlach, Esq., his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA.

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN , REID, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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