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City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION No. 85266 C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LINDA SMITH V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13-665558, IN THE AMOUNT OF TWO MILLION DOLLARS AND NO CENTS (\$2,000,000.00) AS A RESULT OF BEING STRUCK BY A CITY OWNED AND OPERATED VEHICLE ON OR ABOUT SEPTEMBER 28, 2012 (PUBLIC WORKS DEPARTMENT- MOTOR VEHICLE COLLISION)**

**WHEREAS**, Linda Smith was struck by a City-owned vehicle, driven by a City employee, near 14<sup>th</sup> and Franklin Streets in the City of Oakland on September 28, 2012; and

**WHEREAS**, Linda Smith sustained severe injuries requiring medical treatment as a result of this accident; and

**WHEREAS**, Alameda County Superior Court Action RG13-665558 was filed against the City of Oakland alleging negligence and; and

**WHEREAS**, in order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Linda Smith v. City of Oakland, City Attorney's File No. 29295, for the sum of Two Million Dollars and No Cents (\$2,000,000); 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 Two Million Dollars and no cents (\$2,000,000) be payable to Plaintiff Linda Smith and her attorney Joseph E. Tomasik

IN COUNCIL, OAKLAND, CALIFORNIA

NOV 18 2014

PASSED BY THE FOLLOWING VOTE

AYES BROOKS, KAPLAN, GALLO, KALB, ~~GIBSON McELHANEY~~, REID, SCHAAF and PRESIDENT KERNIGHAN - 7

NOES

ABSENT Gibson McElhaney - 1

ABSTENTION

ATTEST

*[Signature]*  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California