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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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February 26, 2019

HONORABLE CITY COUNCIL
Oakland, California

Subject: Miles Rappaport, et al. v. City of Oakland, et al.
Alameda County Superior Court Case No. RG18889056
City Attorney File No. 31633
(Oakland Police Department – Vehicle Collision)

President Kaplan 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 Seventy-Seven Thousand, Five Hundred Dollars and No Cents (\$77,500.00), payable to Miles Rappaport, Matthew Rappaport, Kristine Leunig, and N.R.

This action arises out of allegations by Miles Rappaport, Matthew Rappaport, Kristine Leunig, and N.R. that on January 21, 2017, an Oakland Police Department motorcycle struck Miles Rappaport on Clay Street, near 12th Street, in Oakland California.

The Council authorized settlement of this case in Closed Session on Tuesday, February 5, 2019 (moved by Councilmember Noel Gallo and seconded by Councilmember Loren Taylor - 8 Ayes, 0 Noes).

Respectfully submitted,

A handwritten signature in black ink, which appears to read 'Barbara J. Parker', written over a horizontal line.

BARBARA J. PARKER
City Attorney

Assigned Attorneys:
David A. Pereda, Special Counsel
Andrew S. Huang, Deputy City Attorney

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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 CASE OF MILES RAPPAPORT, ET AL. v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE No. RG18889056, IN THE AMOUNT OF SEVENTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS AND NO CENTS (\$77,500.00) AS A RESULT OF A VEHICLE COLLISION ON JANUARY 21, 2017 (OAKLAND POLICE DEPARTMENT – VEHICLE COLLISION).

WHEREAS, Miles Rappaport, Matthew Rappaport, Kristine Leunig, and N.R. allege that an Oakland Police Department motorcycle struck MILES RAPPAPORT on Clay Street, near 12th Street, in Oakland, California, on January 21, 2017; and

WHEREAS, Miles Rappaport, Matthew Rappaport, Kristine Leunig, and N.R. allege each of them sustained injuries and damages as a result of this accident; and

WHEREAS, Miles Rappaport, Matthew Rappaport, Kristine Leunig, and N.R. filed Alameda County Superior Court Action No. 18889056 against the City of Oakland, alleging negligence and negligent infliction of emotional distress; and

WHEREAS, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Miles Rappaport, *et al.* v. City of Oakland, et al., Alameda County Superior Court Case No. RG18889056, City Attorney's File No. 31633, for the sum of Seventy-Seven Thousand, Five Hundred Dollars and No Cents (\$77,500.00); and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Miles Rappaport, Matthew Rappaport, Kristine Leunig, and N.R. and their counsel; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California