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CITY OF OAKLAND



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

Office of the City Attorney
John Russo
City Attorney

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September 21, 2010

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Stephen Peskin v. City of Oakland
Alameda County Superior Court No. RG09-450335
City Attorney File No. 26826 (Oakland Fire Department)**

President Brunner 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 action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of One Hundred Sixty-Five Thousand Dollars and No Cents (\$165,000.00) payable to Plaintiff Stephen Peskin and Stuart M. Steinberg, his attorney.

This action arises from Mr Peskin's injuries sustained as the result of being struck by a City vehicle driven by a fire inspector. This matter was approved in closed session on June 15, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John A. Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
JAMES F. HODGKINS

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2010 SEP - 1 PM 4:36

Approved as to Form and Legality

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF STEPHEN PESKIN v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG09-450335, IN THE AMOUNT OF \$165,000.00 AS A RESULT OF BEING STRUCK BY A CITY OF OAKLAND FIRE DEPARTMENT VEHICLE (OAKLAND FIRE DEPARTMENT)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Stephen Peskin v. City of Oakland, City Attorney's File No. 26826, for the sum of *One Hundred Sixty-Five Thousand Dollars and No Cents* (\$165,000.00); 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 *One Hundred Sixty-Five Thousand Dollars and No Cents* (\$165,000.00) be payable to Plaintiff Stephen Peskin and Stuart M. Steinberg, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

- AYES- DE LA FUENTE, KERNIHGAN, NADEL, REID, QUAN, BROOKS, KAPLAN and PRESIDENT BRUNNER
- NOES-
- ABSENT-
- ABSTENTION-

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