

CITY OF OAKLAND



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March 20, 2007

HONORABLE CITY COUNCIL – CLOSED SESSION Oakland, California

**Subject: Cynthia Phillips, et al., v. City of Oakland, et al.
Alameda County Superior Court Case No. RG04160529
City Attorney File No. 23803 Public Works Agency**

President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, and the action of the Council at March 6, 2007 closed session, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action for the sum of Forty Thousand Dollars and No Cents (\$40,000.00), payable to plaintiffs Cynthia Phillips, Muisi-Kongo Malonga, Lungusu Malonga, Kiazi Malonga, and Boueta-Mbongo Malonga and their attorney of record Philip Kaplan, Esq.

This action arises from a two-vehicle collision on Lakeside Drive near 17th Street on June 15, 2003. The City's design of the street is alleged to have caused the automobile collision.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Jannie L Wong

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S. _____

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CYNTHIA PHILLIPS, et al., v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG04160529, IN THE AMOUNT OF \$40,000.00 (PUBLIC WORKS AGENCY).

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Cynthia Phillips, et al., v. City of Oakland, Alameda County Superior Court Case No. RG04160529, City Attorney's File No. 23803, for a sum not to exceed a total amount of Forty Thousand Dollars and No Cents (\$40,000.00) 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 Forty Thousand Dollars and No Cents (\$40,000.00) be paid to Cynthia Phillips, Muisi-Kongo Malonga, Lungusu Malonga, Kiazi Malonga, and Boueta-Mbongo Malonga and their attorney of record Philip Kaplan, Esq.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, KERNIHGAN, NADEL, REID, QUAN, BROOKS, CHANG and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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