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

Office of the City Attorney
John A. Russo
City Attorney
Jannie Wong, Deputy City Attorney

January 20, 2009

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HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

**Subject: Joseph and Linelle Pennetta v. City of Oakland, et al.
Alameda County Superior Court Action No. RG06268108
City Attorney File No. X02866 (CEDA)**

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution authorizing and recommends settlement of the above-captioned matter, for the sum of Twenty Thousand Dollars and No Cents (\$20,000.00), payable to Plaintiffs Joseph and Linelle Pennetta and their attorney, Alan Mayer, Esq.

This action arises from a landslide on plaintiffs' property located at 34 Oval Road, which was allegedly caused by the discharge of water from Mountain Boulevard.

The settlement was approved by the City Council at Closed Session on January 6, 2009.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Jannie L. Wong

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 JAN -8 PM 3: 52

Approved as to Form and Legality


Oakland 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 JOSEPH AND LINELLE PENNETTA V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG06268108 IN THE AMOUNT OF \$20,000.00. THIS ACTION ARISES FROM A LANDSLIDE ON PLAINTIFFS' PROPERTY LOCATED AT 34 OVAL ROAD AROUND DECEMBER 2004, ALLEGEDLY BECAUSE OF THE DISCHARGE OF WATER FROM MOUNTAIN BOULEVARD. THE SETTLEMENT WAS APPROVED BY THE CITY COUNCIL AT CLOSED SESSION ON JANUARY 6, 2009. (CEDA)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Joseph and Linelle Pennetta v. City of Oakland, et al., Alameda County Superior Court Case No. RG06268108, City Attorney's File No. X02866 in the amount of Twenty Thousand Dollars and No Cents (\$20,000.00).

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 Twenty Thousand Dollars and No Cents (\$20,000.00) be paid to Joseph and Linelle Pennetta and Alan Mayer, Esq., their attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, 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

DATE OF ATTESTATION: _____