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CITY OF OAKLAND



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June 19, 2012

HONORABLE CITY COUNCIL
Oakland, California


Subject: Marisela Mendoza v. City of Oakland, et al.
Alameda County Superior Court No. RG11586525
Our File No. 28450 (Oakland Police Department –
Motor Vehicle Accident)

President Reld 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 for the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) payable to Marisela Mendoza and the Law Offices of Thomas W. Cain, her attorney.

This action arose when an Oakland Police Department vehicle in Code 3 struck Plaintiff Marisela Mendoza's minivan while she was making a U-turn in the 2400 block of 23rd Avenue on August 20, 2010. Plaintiff alleges the police car's siren was not on in the moments before the collision. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This was not a closed session item.

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
Arlene M. Rosen

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MARISELA MENDOZA v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11586525 IN THE AMOUNT OF \$7,500.00 (OAKLAND POLICE DEPARTMENT – MOTOR VEHICLE ACCIDENT)

WHEREAS: On August 20, 2010, an Oakland Police vehicle traveling in Code 3 struck Plaintiff Marisela Mendoza's vehicle as she made a U-turn on the 2400 block of 23rd Avenue. Plaintiff contends the police vehicle's siren was not on and that she sustained injuries to her back, neck and shoulder.

WHEREAS: Plaintiff Marisela Mendoza filed the case of Marisela Mendoza v. City of Oakland, et al., Alameda County Superior Court No. RG11586525 for recovery of damages for injuries sustained as a result of said collision;

WHEREAS: The City has determined to compromise and settle Plaintiff's claim against it for the sum of Seven Thousand, Five Hundred Dollars and no Cents (\$7,500.00);

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Marisela Mendoza v. City of Oakland, et al., Alameda County Superior Court No. RG11586525, City Attorney's File No. 28450, for a sum not to exceed Seven Thousand Five Hundred Dollars and no Cents (\$7,500.00), 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 Seven Thousand Five Hundred Dollars and no Cents (\$7,500.00) be paid to Marisela Mendoza and the Law Offices of Thomas W. Cain, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012
PASSED BY THE FOLLOWING VOTE:

AYES-
NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
CITY CLERK AND CLERK OF THE
COUNCIL OF THE CITY OF OAKLAND