

12 SEP 19 PM 2:19

CITY OF OAKLAND



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

Office of the City Attorney
Barbara J. Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

October 2, 2012

HONORABLE CITY COUNCIL
Oakland, California

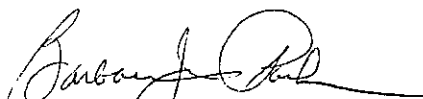
Subject: Melinda Martinez v. City of Oakland, et al.
Alameda County Superior Court No. **RG09-443084**
City Attorney File No. **26534** (Motor Vehicle Collision - OPD)

President Raid 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 Six Thousand Dollars and No Cents (\$6,000.00) payable to Plaintiff Melinda Martinez and her attorney Brian L. Larsen.


This action arises from an incident on March 1, 2008, wherein Ms. Martinez was injured as a result of a collision between a vehicle in which she was a passenger and a police vehicle at 18th and West Streets. This matter was not heard in closed session.

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
JAMES F. HODGKINS

FILED
OFFICE OF THE CITY CLERK
OAKLAND


Approved as to Form and Legality

OAKLAND CITY COUNCIL

12 SEP 19 PM 2: 19

RESOLUTION No. _____ C.M.S.

JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MELINDA MARTINEZ V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG09-443084 IN THE AMOUNT OF \$6,000.00 AS A RESULT OF A MOTOR VEHICLE COLLISION AT OR NEAR 18TH AND WEST STREETS. (OAKLAND POLICE DEPARTMENT – OPD)

WHEREAS: Melinda Martinez was injured when the vehicle in which she was a passenger was struck by an **OPD** vehicle driven by an on-duty police officer and;

WHEREAS: Ms. Martinez sustained serious injuries requiring medical treatment as a result of this accident; and

WHEREAS: In order to avoid the risk of an adverse jury verdict under the circumstances;

NOW, THEREFORE, BE IT RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Melinda Martinez v. City of Oakland, City Attorney's File No. 26534, for the sum of **Six Thousand Dollars and No Cents (\$6,000.00)**; 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 **Six Thousand Dollars and No Cents (\$6,000.00)** be payable to Plaintiff **Melinda Martinez** and her attorney **Brian L. Larsen**.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012.

PASSED BY THE FOLLOWING VOTE:

AYES- DE LA FUENTE, KERNIGHAN, NADEL, BRUNNER, SCHAAF, BROOKS, KAPLAN and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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