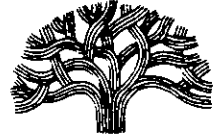


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OFFICE OF THE CITY CLERK
OAKLAND

08 JAN 24 PM 2:28

CITY OF OAKLAND



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

Office of the City Attorney
John Russo
City Attorney

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

February 5, 2008

HONORABLE CITY COUNCIL
Oakland, California

Subject: Crystal Ellease Smith v. City of Oakland; et al.
Alameda County Superior Court No. WG06277827
City Attorney File No. 25254 (Public Works Agency – Auto Accident)

President De La Fuente 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 Twelve Thousand Dollars and No Cents (\$12,000.00) payable to Plaintiff Crystal Ellease Smith and Berg Injury Lawyers, her attorney.

This action arises out of a February 7, 2006 auto accident in which a City truck rolled from the curb and into the plaintiff's car. The settlement is recommended to avoid the risk of an adverse trial result and potentially greater economic exposure for the City. This was not a closed session item.

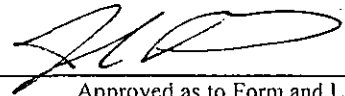
Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JAR' or similar, written over a horizontal line.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
JENNIFER N. LOGUE

FILED
OFFICE OF THE CITY CLERK
OAKLAND



Approved as to Form and Legality

OAKLAND CITY COUNCIL

08 JAN 24 PM 2: 28

RESOLUTION No. _____ C.M.S.

JNL

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CRYSTAL ELLEASE SMITH v. CITY OF OAKLAND; ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. WG06277827, IN THE AMOUNT OF \$12,000.00 AS A RESULT OF AN AUTO ACCIDENT NEAR THE INTERSECTION OF MACARTHUR BLVD AND 90th AVENUE IN OAKLAND. (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Crystal Ellease Smith v. City of Oakland, et al., City Attorney's File No. 25254, for the sum of Twelve Thousand Dollars and No Cents (\$12,000.00); 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 Twelve Thousand Dollars and No Cents (\$12,000.00) be payable to Plaintiff Crystal Ellease Smith and Berg Injury Lawyers, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

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