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CITY OF OAKLAND



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October 4, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: Vongviseth Soumpholphadky v. City of Oakland, et al.
Alameda County Superior Court No. RG15-760052
City Attorney File No. 28737
(Consolidated with California Charter Schools Joint Powers v. City of Oakland, Alameda County Superior Court, Case No. RG15764149
City Attorney File No. X04136)
(Oakland Public Works – Dangerous Condition)

President Gibson-McElhaney and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the compromise and settlement of the above-entitled action in the sums of (1) Six Thousand and Five Hundred Dollars and No Cents (\$6,500.00) payable to the Law Offices of Brian Larsen in trust for Plaintiff Vongviseth Soumpholphadky, and (2) Eight Thousand and Five Hundred Dollars and No Cents (\$8,500.00) payable to Lawrence Moore Esq. in trust for Plaintiff California Charter Schools.

This action arises from an incident on October 15, 2013, wherein Mr. Soumpholphadky tripped and fell over a pothole on the road in front of 8425 MacArthur Blvd. in Oakland. Mr. Soumpholphadky sustained a broken foot.

The Council authorized settlement of this case in Closed Session on Tuesday, September 20, 2016 (moved by Councilmember Kaplan and seconded by Councilmember Gallo – 8 Ayes).

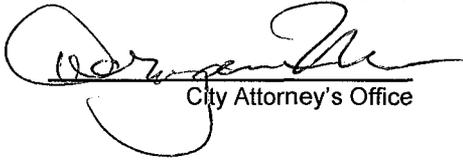
Respectfully submitted

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written over the typed name.

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Christina Lum

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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 VONGVISETH SOUMPHOLTHADKY v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE RG15760052 (CONSOLIDATED WITH CALIFORNIA CHARTER SCHOOLS JOINT POWERS V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE RG15764149) IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS AND NO CENTS (\$15,000.00) AS A RESULT OF TRIP AND FALL PERSONAL INJURY ON OCTOBER 15, 2013 (OAKLAND PUBLIC WORKS - DANGEROUS CONDITION)

WHEREAS, Vongviseth Soumpholthadky was injured when she tripped and fell on a City sidewalk in front of 8425 MacArthur Blvd. in Oakland on October 15, 2013; and

WHEREAS, Mr. Soumpholthadky allegedly sustained injuries requiring medical treatment and was temporarily unable to work, as a result of this accident; and

WHEREAS, Mr. Soumpholthadky's medical expenses and wage loss were partially paid by his employer, California Charter Schools, through worker's compensation; and

WHEREAS, Alameda County Superior Court Actions RG15760052 and RG15764149 were filed against the City of Oakland alleging a dangerous condition of public property; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Vongviseth Soumpholthadky's claim against it for the sum of Six Thousand Five Hundred Dollars and No Cents (\$6,500.00); and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff California Charter School's claim against it for the sum of Eight Thousand Five Hundred Dollars and No Cents (\$8,500.00); now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Vongviseth Soumpholthadky v. City of Oakland, Alameda County Superior Court, Case no. RG15760052, City Attorney's File No. 28737 (Consolidate with California Charter Schools Joint Powers v. City of Oakland, Alameda County

Superior Court, Case no. RG15764149, City Attorney's File No. X04136), for the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00); 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

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____

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