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10 SEP -2 PM 4:09

CITY OF OAKLAND



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

Office of the City Attorney
John Russo
City Attorney

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September 21, 2010

HONORABLE CITY COUNCIL
Oakland, California

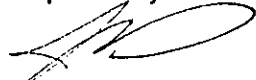
**Subject: Kathleen Lobrovich v. City of Oakland and
Commerce & Industry Insurance Company
Alameda County Superior Court Nos.
RG09-389328 & HG09-429737
City Attorney File No. 26362-A & 26362-B (OPD)**

President Brunner and Members of the City Council:

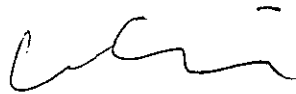
Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action. Due to a clerical error, the amount of the approved settlement was \$120,000.00. The correct amount of the settlement was and is \$125,000.00. Due to the risk of an adverse jury verdict under the circumstances' settlement is recommended in the sum of One Hundred Twenty-Five Thousand Dollars and No Cents (\$125,000.00) payable to Plaintiff Kathleen Lobrovich and George Camerlengo, her attorney.

This action arises from an incident on September 7, 2007 wherein Ms. Lobrovich was knocked to the ground after an Oakland Police dog ran into her while running at a high rate of speed. This matter was heard in closed session on July 20, 2010.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned:
JAMES F. HODGKINS



Approved as to Form and Legality

FILED
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OAKLAND

OAKLAND CITY COUNCIL

2010 SEP -2 PM 4:19

RESOLUTION No. _____ C.M.S.

JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF KATHLEEN LOBROVICH v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NOS. RG08-389328 & HG09-429737, IN THE AMOUNT OF \$125,000.00 AS A RESULT OF BEING HIT AND KNOCKED TO THE GROUND BY AN OAKLAND POLICE DOG RUNNING AT A HIGH RATE OF SPEED (OAKLAND POLICE DEPT - OPD)

WHEREAS: This item was approved in closed session of the City Council on July 20, 2010. Due to a clerical error, the settlement was approved in the amount of \$120,000.00 but the actual amount of the agreed settlement was and is \$125,000.00; and be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Kathleen Lobrovich v. City of Oakland and Commerce & Industry Insurance Company v. City of Oakland City Attorney's File Nos. 26362-A & 26362-B; for the sum of One Hundred Twenty-Five Thousand Dollars and No Cents (\$125,000.00); 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 One Hundred Twenty-Five Thousand Dollars and No Cents (\$125,000.00) be payable to Plaintiff Kathleen Lobrovich and George Carmelengo, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

- AYES- DE LA FUENTE, KERNIHGAN, NADEL, REID, QUAN, BROOKS, KAPLAN and PRESIDENT BRUNNER
- NOES-
- ABSENT-
- ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California