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Office of the City Attorney
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City Attorney

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June 1, 2004

HONORABLE CITY COUNCIL – CLOSED SESSION
Oakland, California

Subject: Sam, et. al. v. City of Oakland
Alameda County Superior Court No. RG03088876

President De La Fuente and Members of the City Council:

Pursuant to §401 of the Charter, and the action of the Council at its May 18, 2004 closed session, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action in the sum of One Hundred Thousand Dollars (\$100,000.00), \$ 57,000 payable to Saroeun Sam and his attorney, Dennis Wilson, and \$ 43,000 payable to the Estate of Tuong Tien Ly, Xuan Dao, Mervyn Pagtanac and Artison Manalastas and their attorney, Stephen Cornet.

This action arises out of a vehicle off the road automobile accident on June 11, 2002 on Grizzly Peak Boulevard in which one person was killed and four others were injured. The Office of the City Attorney recommends settlement of this matter to avoid the risk of an adverse trial verdict.

Respectfully submitted,

A handwritten signature in cursive script that reads "John A. Russo".

JOHN A. RUSSO
City Attorney

Attorney assigned: William E. Simmons

323792

10.5CC
ORA/COUNCIL
JUN 1 2004

OAKLAND CITY COUNCIL

11/12

RESOLUTION NO. _____ C.M.S.

WES/csa

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SAM, ET. AL. V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT NO. RG03088876, OUR FILE NO. X01828, IN THE AMOUNT OF \$100,000.00. THIS CASE INVOLVES AN AUTOMOBILE RUNNING OFF GRIZZLY PEAK BOULEVARD AND AN ALLEGATION OF DANGEROUS CONDITION OF PUBLIC PROPERTY (PUBLIC WORKS AGENCY-DANGEROUS CONDITION)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Sam, et. al. v. City of Oakland. Alameda County Superior Court No. RG03088876, City Attorney's File No. X01828 for a sum not to exceed a total of One Hundred Thousand Dollars (\$100,000.00.), \$ 57,000 payable to Saroeun Sam and his attorney, Dennis Wilson, and \$ 43,000 payable to the Estate of Tuong Tien Ly, Xuan Dao, Mervyn Pagtanac and Artison Manalastas and their attorney, Stephen Cornet.

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of One Hundred Thousand Dollars (\$100,000.00), shall be paid as follows; \$ 57,000 payable to Saroeun Sam and his attorney, Dennis Wilson, and \$ 43,000 payable to the Estate of Tuong Tien Ly, Xuan Dao, Mervyn Pagtanac and Artison Manalastas and their attorney, Stephen Cornet.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, WAN and President DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

10.5CC
ORA/COUNCIL
JUN 1 2004

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California