

14 MAY -8 PM 12: 23

CITY OF OAKLAND



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May 20, 2014

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: John Wendt v. City of Oakland, et al.**  
**Case No. RG13669229**  
**City Attorney File No. 28906**  
**Oakland Police Department (Vehicle Abatement Unit)–Civil Rights**

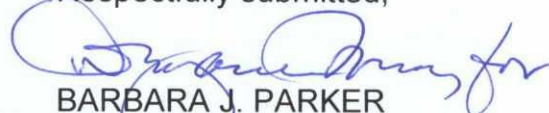
President Kernighan and Members of the City Council:

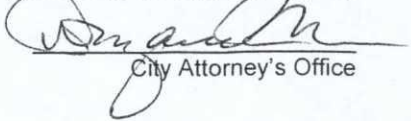
Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of sixty-nine thousand seven hundred fifty dollars and no cents (\$69,750.00), payable to the East Bay Community Law Center.

This action arises out of the abatement of Mr. Wendt's vehicle.

The Council authorized settlement of this case in Closed Session on Tuesday, May 6, 2014, moved by Councilmember Rebecca Kaplan and seconded by Councilmember Noel Gallo - 6 Ayes, 2 Absent (Councilmembers McElhaney and Reid).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney



City Attorney's Office

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Resolution No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JOHN WENDT V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13666136, CITY ATTORNEY'S FILE NO. 28906, FOR A SUM NOT TO EXCEED SIXTY-NINE THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND NO CENTS (\$69,750.00) (OAKLAND POLICE DEPARTMENT (VEHICLE ABATEMENT UNIT)—CIVIL RIGHTS)**

**WHEREAS**, John Wendt alleges that he incurred damages as a result of the abatement of his vehicle; and

**WHEREAS**, Mr. Wendt filed the above-referenced action to recover monetary damages; and

**WHEREAS**, Without admitting fault or wrongdoing, the City has determined to compromise and settle Mr. Wendt's claims against it for the sum of sixty-nine thousand seven hundred fifty dollars and no cents (\$69,750.00) payable by the City of Oakland; now, therefore, be it

**RESOLVED:** That the City of Oakland is authorized and directed to compromise and settle the case of John Wendt v. City of Oakland, et al., Alameda County Superior Court Case No. RG13666136, City Attorney's File No. 28906, for a sum not to exceed sixty-nine thousand seven hundred fifty dollars and no cents (\$69,750.00); and be it

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

**FURTHER RESOLVED:** That the sum of sixty-nine thousand seven hundred fifty dollars and no cents (\$69,750.00) be paid to Mr. Wendt's attorney the East Bay Community Law Center.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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