



08 OCT -8 PM 2:28

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Office of the City Attorney
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October 21, 2008

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Jimmy Lowe v. City of Oakland, et al. and Related Cross-
Actions, Alameda County Superior Court No. RG05210158
Our File No. 24132 (PUBLIC WORKS AGENCY –
PERSONAL INJURY)**

President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution authorizing and recommends settlement of the above-captioned matter for the sum of Sixty Thousand Dollars and No Cents (\$60,000.00) made payable to Plaintiff Jimmy Lowe and the Law Offices of Frank M. Ennix, his attorney.

This action arises from plaintiff's injury on April 24, 2004 when he lost control of his motorcycle after hitting a pothole on MacArthur Boulevard. This matter was heard in closed session on October 7, 2008.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Arlene Rosen
521250

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 OCT -9 PM 3:55

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.


AMR/bjw

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JIMMY LOWE v. CITY OF OAKLAND, ET AL. AND RELATED CROSS-ACTIONS, ALAMEDA COUNTY SUPERIOR COURT NO. RG05210158, OUR FILE NO. 24132, IN THE AMOUNT OF \$60,000.00 (PUBLIC WORKS AGENCY – PERSONAL INJURY)

WHEREAS, On April 24, 2004 Plaintiff Jimmy Lowe was injured when he lost control of his motorcycle after hitting a pothole on MacArthur Boulevard, and

WHEREAS, the City has determined to compromise and settle Plaintiff Jimmy Lowe's claim against it for the sum of Sixty-Thousand Dollars (\$60,000.00),

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Jimmy Lowe v. City of Oakland, et al. and Related Cross-Actions, City Attorney's File No.24132, for a sum not to exceed Sixty Thousand Dollars and No Cents (\$60,000.00) made payable to Plaintiff Jimmy Lowe and the Law Offices of Frank M. Ennix, his attorney.

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 Sixty Thousand Dollars and No Cents (\$60,000.00) made payable to Plaintiff Jimmy Lowe and the Law Offices of Frank M. Ennix, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS

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