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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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March 15, 2011

HONORABLE CITY COUNCIL
Oakland, California

Subject: Donald Gates, et al. v. City of Oakland
Alameda County Superior Court No. RG10-497687
City Attorney File No. 27310 (OPW)

President Reid 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 the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Forty Thousand Dollars and No Cents (\$40,000.00) payable to Plaintiffs Donald Gates and Janet Jones and Andrew Wolff, their attorney.

This action arises from incidents on December 15 and 25, 2008, wherein the Gates-Jones home was flooded by storm water runoff from a City street. This matter was not heard in closed session.

Respectfully submitted,

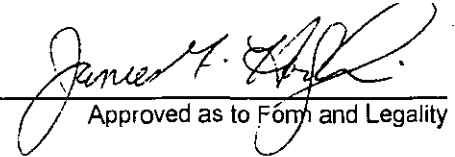
A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

Attorney Assigned:
JAMES F. HODGKINS

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OAKLAND CITY COUNCIL


Approved as to Form and Legality

RESOLUTION NO. _____ C.M.S.


JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DONALD GATES AND JANET JONES v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10-497687 IN THE AMOUNT OF \$40,000.00 AS A RESULT OF FLOODING OF THE GATES-JONES RESIDENCE BY WATER RUNOFF FROM A CITY STREET. (OFFICE OF PUBLIC WORKS - OPW)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Donald Gates and Janet Jones v. City of Oakland, City Attorney's File No. 27310, for the sum of Fourty Thousand Dollars and No Cents (\$40,000.00); 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 Fourty Thousand Dollars and No Cents (\$40,000.00) be payable to Plaintiffs Donald Gates and Janet Jones and Andrew Wolff, their attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- DE LA FUENTE, KERNIHGAN, NADEL, BRUNNER, SCHAAF, BROOKS, KAPLAN and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

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