

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CA 94612

Office of the City Attorney
John A. Russo
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

March 7, 2006

HONORABLE CITY COUNCIL
Oakland, California

Subject: Annette Tate, et al. v. City of Oakland, et al.
Alameda County Superior Court No. WG05201863
Our File No. 24439 (Public Works Agency - Automobile Accident)

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 Seven Thousand Dollars and No Cents (\$7,000.00), payable to Plaintiff Annette Tate and Mitchell A. Carp, Esq., her attorney.

This action arises from plaintiff's personal injuries and property losses sustained on or about July 12, 2004 from an automobile accident in the vicinity of 45th Street and Martin Luther King, Jr. Boulevard, Oakland. This matter was not heard in closed session.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John A. Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Pelayo A. Llamas, Jr.
363370

OAKLAND CITY COUNCIL

03 FEB 2006 10:04

RESOLUTION No. _____ C.M.S.

PAL/bjw

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ANNETTE TATE, et al. v. CITY OF OAKLAND, et al., SUPERIOR COURT, COUNTY OF ALAMEDA, CASE NO. WG05201863, IN THE AMOUNT OF \$7,000.00 AS A RESULT OF AN AUTOMOBILE COLLISION ACCIDENT IN THE VICINITY OF 45th STREET AND MARTIN LUTHER KING, JR. BOULEVARD ON JULY 12, 2004 (PUBLIC WORKS AGENCY - AUTOMOBILE ACCIDENT)

WHEREAS, on March 8, 2005, Annette Tate filed a lawsuit alleging, *inter alia*, that a City of Oakland street sweeper truck caused her to sustain personal injuries and medical expenses in that it accidentally struck plaintiff, who was driving in a motor vehicle; and

WHEREAS, on February 3, 2006, Annette Tate, during a mediation, agreed to accept the amount of Seven Thousand Dollars and No Cents (\$7,000.00), subject to Oakland City Council approval, as full settlement of her claims in this referenced action; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Annette Tate, et al. v. City of Oakland, et al., City Attorney's File No. 24439, for the sum of Seven Thousand Dollars and No Cents (\$7,000.00).

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 Seven Thousand Dollars and No Cents (\$7,000.00) be payable to Plaintiff Annette Tate and Mitchell A. Carp, Esq., her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA.

PASSED BY THE FOLLOWING VOTE:

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