

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND



10 MAY -6 PM 3:53

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

May 18, 2010

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Consuelo Sopolario v. City of Oakland, et. al.
Alameda County Superior Court Case No. RG09429683
Consolidated with Catalino Sopolario v. City of Oakland, et al.
Alameda County Superior Court Case No. RG09430020
Our File Nos. 26639 and 26639B**

President Brunner and Members of the City Council:

Pursuant to §401 of the Charter, and the action of the Council at its May 4, 2010, 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 total sum of Five Hundred Thousand Dollars (\$500,000.00), made payable to the Law Offices of R. Lewis Van Blois and Associates, in trust for Consuelo Sopolario and Catalino Sopolario, Sr.

This action arises out of an automobile accident on December 18, 2007 on 35th Avenue in which Cesar Sopolario was fatally injured. The plaintiffs claim the City street at this location amounted to a dangerous condition of public property and that this caused their son's accident.

This settlement is recommended as a compromise of this matter and to avoid exposure to a possibly much larger adverse jury verdict.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

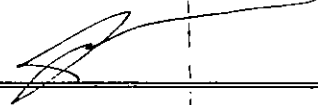
Attorney Assigned:
William E. Simmons

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION No. _____ C.M.S.

2010 MAY -6 PM 5:05



JAR: WES

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CONSUELO SOPELARIO, ET AL. V. CITY OF OAKLAND; ET AL., ALAMEDA COUNTY SUPERIOR COURT NOS. RG09429683 AND RG09430020, OUR FILE NOS. 26639 and 26639B, IN THE AMOUNT OF \$500,000.00 (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case Consuelo Sopedario, et al. v. City Of Oakland; et al., Alameda County Superior Court Nos. RG09429683 and RG09430020, our file nos. 26639 and 26639B, in the amount of Five Hundred Thousand Dollars, (\$500,000.00) payable by the City of Oakland.

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 Five Hundred Thousand Dollars, (\$500,000.00) be paid to the Law Offices of R. Lewis Van Blois and Associates, in trust for Consuelo Sopedario and Catalino Sopedario, Sr.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT-

ABSTENTION-

ATTEST:

LATONDA SIMMONS
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA