

James F. Hoffmann
Approved as to Form and Legality

OFFICE OF THE CITY CLERK
JANUARY 26 AM 10:03

OAKLAND CITY COUNCIL

RESOLUTION No. 83388 C.M.S.

JFH
JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MARTIN PERLMUTTER, ET AL. V. CITY OF OAKLAND, ET AL AND RELATED CASES, ALAMEDA COUNTY SUPERIOR COURT CASE NOS. RG-07-316213, RG07-320622, RG07-334695, RG07-350286, RG07-320671, RG07-355216, RG07-323092 AND RG07-326677 IN THE AGGREGATE AMOUNT OF \$510,000.00 AS A RESULT OF AN INCIDENT IN MAY 2006, WHEREIN THE ROADWAY AT THE INTERSECTION OF E. 29TH STREET AND MCKILLOP ROAD FAILED ALONG WITH THE HILLSIDE ADJOINING PROPERTIES ABUTTING THE PUBLIC STREET (OPW)

WHEREAS in May 2006 a landslide occurred in the area of McKillop Road and E. 29th Street in Oakland causing damage to City street and private homes; and

WHEREAS the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City and now,

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Martin Perlmutter, et al. v. City of Oakland, et al and related cases, City Attorney's File No. X02905, for the aggregate sum of Five Hundred Ten Thousand Dollars and No Cents (\$510,000.00); 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 aggregate sum of Five Hundred Ten Thousand Dollars and No Cents (\$510,000.00) be made payable to Plaintiffs and their counsel as follows:

- \$47,500 payable to John and Janet Broughton and the Leon & Leon Client Trust Account;
- \$25,000 payable to Faith Harris and the Craigie, McCarthy & Clow Client Trust Account;
- \$137,500 payable to The Fitzgerald, Abbott & Beardsley Trust Account for the benefit of The Watchtower Bible and Tract Society of New York, Inc.;
- \$100,000 payable to Darelana Johnson and Gumbiner & Eskridge Client Trust Account;
- \$100,000 payable to Martin & Marcia Perlmutter and the Law Offices of Alan Matthew Mayer Client Trust Account

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- \$100,000 payable to The Fitzgerald, Abbott & Beardsley Trust Account for the benefit of Henry Royal, Valeria Royal, Cassandra Royal-Ross and Jack S. Ross.

JUN 7 2011

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

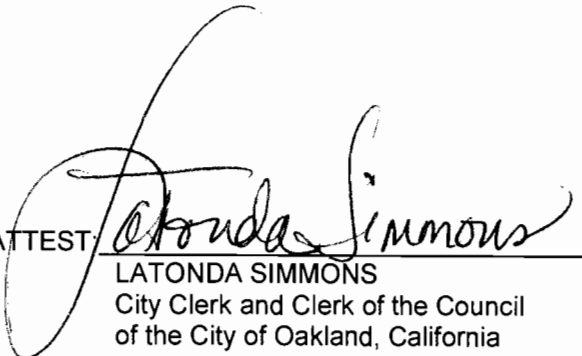
AYES- DE LA FUENTE, KERNIHGAN, NADEL, BRUNNER, SCHAAF, BROOKS, KAPLAN and PRESIDENT REID -8

NOES-0

ABSENT-0

ABSTENTION-0

ATTEST


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