
City Attorney's Office

14 JUL 25 AM 9:30

OAKLAND CITY COUNCIL

RESOLUTION No. 85146 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DAO THE DIEP v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12-645758, IN THE AMOUNT OF TEN THOUSAND DOLLARS AND NO CENTS (\$10,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON OR ABOUT SEPTEMBER 11, 2011 (PUBLIC WORKS AGENCY – DANGEROUS CONDITION/TRIP & FALL)

WHEREAS, Dao The Diep was seriously injured when he fell into an open utility box at the intersection of Seventh and Jackson Streets in the City of Oakland on September 11, 2011; and

WHEREAS, Mr. Diep sustained serious injuries requiring medical treatment as a result of this accident; and

WHEREAS, Alameda County Superior Court Action RG12-645758 was filed against the City of Oakland alleging a dangerous condition of public property; and

WHEREAS, In order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Dao The Diep v. PG&E, City of Oakland, City Attorney's File No. 28897, for the sum of Ten Thousand Dollars and No Cents (\$10,000.00); 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 Ten Thousand Dollars and No Cents (\$10,000.00) be payable to Plaintiff Dao The Diep and his attorney Hien D. Doan.

IN COUNCIL, OAKLAND, CALIFORNIA : JUL 29 2014

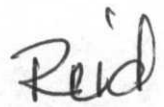
PASSED BY THE FOLLOWING VOTE:

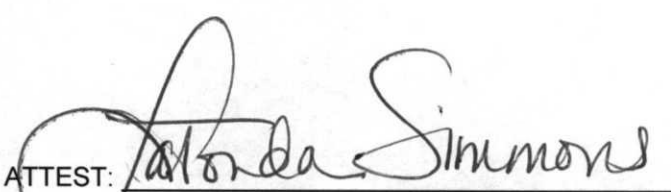
AYES: SCHAAF, BROOKS, KAPLAN, GALLO, KALB, GIBSON McELHANEY, ~~REID~~ and PRESIDENT KERNIGHAN - 8

NOES: 0

ABSENT: 0

ABSTENTION: 0



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