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CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
John Russo  
City Attorney

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June 7, 2011

HONORABLE CITY COUNCIL  
Oakland, California

Subject: Daniel Pena-Marquez v. City of Oakland  
Alameda County Superior Court No. RG07-340294  
City Attorney File No. 25728 (OPD)

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 Six Hundred Thirty Thousand Dollars and No Cents (\$630,000.00) payable to Plaintiff Daniel Pena-Marquez and Ira Leshin, his attorney.

This action arises from an incident on August 14, 2006, wherein a vehicle driven by Mr. Pena-Marquez was struck by a police vehicle at the intersection of 90<sup>th</sup> Ave and International Blvd. Settlement in this amount was discussed and approved in closed session on May 17, 2011.

Respectfully submitted,

A handwritten signature in black ink that reads "John A. Russo".

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
JAMES F. HODGKINS

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OAKLAND

MAY 26 AM 10:03

# 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 DANIEL PENA-MARQUEZ v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG07-340294 IN THE AMOUNT OF \$630,000.00 AS A RESULT OF A COLLISION BETWEEN MR. PENA-MARQUEZ'S VEHICLE AND AN OPD VEHICLE. (OPD)**

**WHEREAS**, on August 14, 2006 Daniel Pena-Marquez's vehicle was struck by an Oakland Police Department vehicle at the intersection of 90<sup>th</sup> Avenue and International Blvd; and

**WHEREAS**, the City of Oakland has determined that settlement In this amount, without an admisson 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 Daniel Pena-Marquez v. City of Oakland, City Attorney's File No. 25728, for the sum of **Six Hundred Thirty Thousand Dollars and No Cents (\$630,000.00)**; 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 **Six Hundred Thirty Thousand Dollars and No Cents (\$630,000.00)** be payable to Plaintiff Daniel Pena-Marquez and Ira Leshin, his 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