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OAKLAND CITY COUNCIL

79727

RESOLUTION No. _____ C.M.S.


Approved as to Form and Legality
Oakland City Attorney's Office

PAL

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF RUTH PACHECO AND EDWIN WHITE v. CITY OF OAKLAND, ET AL., SUPERIOR COURT, COUNTY OF ALAMEDA, CASE NO. RG04168981, IN THE AMOUNT OF \$35,000.00 AS A RESULT OF AN AUTOMOBILE COLLISION ACCIDENT IN THE VICINITY OF HIGH STREET AND YGNACIO AVENUE, OAKLAND, ON APRIL 4, 2004 (POLICE DEPARTMENT - AUTOMOBILE ACCIDENT)

WHEREAS, on August 5, 2004, Ruth Pacheco and Edwin White filed a lawsuit alleging, inter alia, that an Oakland Police Officer caused personal injuries and medical expenses in that he accidentally struck White with a patrol car in view of his mother, Pacheco; and

WHEREAS, on February 7, 2006, after careful and due consideration, the Oakland City Council at closed session authorized settlement of Ruth Pacheco's and Edwin White's claims in this referenced matter for the collective amount of Thirty-Five Thousand Dollars and No Cents (\$35,000.00); and

WHEREAS, Ruth Pacheco and Edwin White, through his Guardian ad Litem Tony Pacheco has agreed to accept the collective amount of Thirty-Five Thousand Dollars and No Cents (\$35,000.00) as full settlement of their claims in this referenced action; and

WHEREAS, the settlement as to Edwin White, a minor, must be approved by the Superior Court; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Ruth Pacheco and Edwin White, a minor, by and through his Guardian ad Litem Tony Pacheco v. City of Oakland, et al., City Attorney's File No. 24094, for the sum of Thirty Five Thousand Dollars and No Cents (\$35,000.00), subject to approval by the Superior Court; 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

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FURTHER RESOLVED: That upon approval by the Superior Court of Edwin White's minor's compromise, the sum of Thirty Five Thousand Dollars and No Cents (\$35,000.00) be payable in two checks: (1) \$1,000 to plaintiff Ruth Pacheco and Steven J. Choi her attorney, and (2) \$34,000 payable to Tony Pacheco as guardian ad litem for Edwin White and Steven J. Choi, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA.

FEB 21 2006

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