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CITY OF OAKLAND



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Office of the City Attorney  
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May 21, 2019

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Dawit Behre v. City of Oakland, et al.  
Alameda County Superior Court No. RG17881593  
City Attorney File No. 31585  
(Oakland Public Works –Automobile Collision)**

President Rebecca Kaplan and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the 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 \$50,000.00.

This action arises from an incident on December 27, 2016. Plaintiff alleges that a City employee, Pascal Zeino, caused an auto collision with Plaintiff while driving a street sweeping vehicle in the course and scope of his employment with the City of Oakland. The accident occurred on Telegraph Avenue near 34<sup>th</sup> Street. Plaintiff claims soft-tissue injuries to his left shoulder, neck, back and hip.

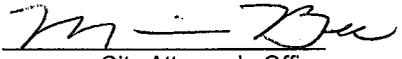
The Council authorized settlement of this case in Closed Session on Tuesday, May 7, 2019 (moved by Vice Mayor Larry Reid and seconded by Councilmember Loren Taylor - 7 Ayes, 1 Absent – Councilmember Lynette Gibson McElhaney).

Respectfully submitted,

A handwritten signature in black ink that appears to read "Barbara J. Parker" with a stylized flourish at the end.

BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Christina Lum

  
City Attorney's Office

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DAWIT BEHRE V. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG17881593, IN THE AMOUNT OF FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00) AS A RESULT OF AN AUTOMOBILE COLLISION ON DECEMBER 27, 2016 (OAKLAND PUBLIC WORKS – AUTOMOBILE COLLISION)**

**WHEREAS**, Plaintiff alleges that a City employee, Pascal Zeino, caused an auto collision with Plaintiff while driving a street sweeping vehicle on Telegraph Avenue near 34<sup>th</sup> Street in the course and scope of his employment with the City of Oakland; and

**WHEREAS**, Mr. Behre allegedly sustained injuries to his left shoulder, neck, back and hip requiring medical treatment as a result of this accident; and

**WHEREAS**, Alameda County Superior Court Case No. RG17881593 was filed against the City of Oakland alleging negligence; 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 Dawit Behre v. City of Oakland, Alameda County Superior Court Case No. RG17881593, City Attorney's File No. 31585, for the sum of Fifty Thousand Dollars and No Cents (\$50,000.00); 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

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