

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JULIO RODRIGUEZ LEMUS V. CITY OF OAKLAND, VICTOR GARCIA-PARRA, JR., AND DOES 1-30, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 22CV005194, CITY ATTORNEY FILE NO. 34527, IN THE AMOUNT OF ONE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$185,000.00) (OAKLAND POLICE DEPARTMENT - AUTO ACCIDENT)**

**WHEREAS**, Plaintiff Julio Rodriguez Lemus (“Lemus”) alleges that on October 20, 2020 they were involved in a vehicle collision with an Oakland Police Department (“OPD”) vehicle at the intersection of 80<sup>th</sup> Avenue and International Boulevard; and

**WHEREAS**, Lemus alleges that the officer caused the accident by driving negligently and at an excessive speed; and

**WHEREAS** Lemus alleges that the collision caused them bodily injury including lumbar spine bulging, herniated discs, pain and suffering and anxiety; and

**WHEREAS**, Lemus seeks damages for past and future medical expenses and pain and suffering; and

**WHEREAS**, Lemus filed Superior Court of the State of California, County of Alameda, Case No. 22CV005194 against the City of Oakland and others, alleging a claim against the City for negligence; and

**WHEREAS**, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

**WHEREAS**, the City admits no wrongdoing or liability; and

**WHEREAS**, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Julio Rodriguez Lemus v. City of Oakland, Victor Garcia-Parra, Jr, and Does 1-30, inclusive, Alameda County Superior Court Case No. 22CV005194, for the sum of One Hundred Eighty-Five Thousand Dollars and Zero Cents (\$185,000.00); and be it

**FURTHER RESOLVED:** That the City attorney is further authorized and directed to take whatever steps as may be necessary to effect this settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California