

2024 JAN 25 PM 4:43

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

Barbara J. Parker

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90093 C.M.S.

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 80th 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:

FEB 06 2024

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 8

NOES
ABSENT
ABSTENTION

ATTEST:



ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California