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OAKLAND

CITY OF OAKLAND



12 APR 18 PM 1:50

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

Office of the City Attorney  
Barbara J. Parker  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TTY/TDD: (510) 238-3254  
(510) 238-3815

May 1, 2012

HONORABLE CITY COUNCIL  
Oakland, California


Subject: Aye, et al. v. City of Oakland, et al.  
Alameda County Superior Court No. RG11564053  
Our File No. 27690 (PUBLIC WORKS AGENCY –  
STRUCK BY FALLEN TREE LIMB)

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 for the sum of One Hundred Twenty-five Thousand Dollars and No Cents (\$125,000.00) payable to Hinton, Alfert Sumner & Kaufmann in trust for Kyi Aye, Pa Eh Ko, and Naw Naw Aye, by and through her Guardian ad Litem, Wah Blu Soe.

This action arose when a tree branch in front of 1840 6<sup>th</sup> Avenue fell on Kyi Aye on August 25, 2009. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This matter was heard in closed session on March 20, 2012.

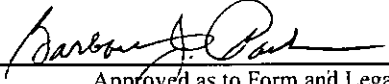
Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Arlene M. Rosen

937973

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Approved as to Form and Legality

12 APR 18 PM 1:50  
**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 AYE, et al. v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11564053 IN THE AMOUNT OF \$125,000.00 (PUBLIC WORKS AGENCY – STRUCK BY FALLEN TREE LIMB)**

**WHEREAS:** Plaintiff Kyi Aye was struck by a City tree branch in front of 1840 6<sup>th</sup> Avenue, causing her serious physical injury, and resulting in loss of consortium to her husband, Pa Eh Ko;

**WHEREAS:** The City has determined to compromise and settle Plaintiffs' claims against it for the sum of One Hundred Twenty-five Thousand Dollars and no Cents (\$125,000.00);

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Aye, et al. v. City of Oakland, et al., Alameda County Superior Court No. RG11564053, City Attorney's File No. 27690, for a sum not to exceed One Hundred Twenty-five Thousand Dollars and no Cents (\$125,000.00), payable by the City of Oakland.

**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 One Hundred Twenty-five Thousand Dollars and no Cents (\$125,000.00), be paid to Hinton, Alfert, Sumner & Kaufmann in trust for Kyi Aye, Pa Eh Ko and Naw Naw Aye, a minor, by and through her Guardian ad Litem, Wah Blu Soe.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2012

PASSED BY THE FOLLOWING VOTE:

AYES-

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS

CITY CLERK AND CLERK OF THE  
COUNCIL OF THE CITY OF OAKLAND