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CITY OF OAKLAND



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Office of the City Attorney
Barbara Parker
City Attorney

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March 19, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Florencia L. Mendoza v. City of Oakland
Alameda County Superior Court Case No. RG11584968
City Attorney File No. 27746 (OPD – Motor Vehicle Accident)

President Kemighan 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 Fourteen Thousand Dollars and No Cents (\$14,000.00), payable to plaintiff Florencia L. Mendoza and her attorney H. Nelson Meeks.

This action arises out of a December 13, 2009 incident in which Plaintiff Florencia L. Mendoza suffered personal injuries allegedly sustained in a motor vehicle collision with a police department vehicle at East 22nd Street and 25th Avenue. 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 19, 2013.

Respectfully submitted,

A handwritten signature in black ink that reads "Barbara J. Parker".

BARBARA PARKER
City Attorney

Attorney assigned:
Carolyn O. Tsai

1101465


Office of the City Attorney

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

COT:ljb

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF FLORENCIA L. MENDOZA v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11584968, CITY ATTORNEY'S FILE NO. 27746, IN THE AMOUNT OF FOURTEEN THOUSAND DOLLARS AND NO CENTS (\$14,000.00) (OPD - MOTOR VEHICLE ACCIDENT)

WHEREAS, on December 13, 2009 Plaintiff Florencia L. Mendoza suffered personal injuries allegedly sustained in a motor vehicle accident involving a police department vehicle, and

WHEREAS, the Plaintiff filed the above entitled lawsuit seeking damages for said injuries, and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of Florencia L. Mendoza v. City of Oakland, Alameda County Superior Court Case No. RG11584968, City Attorney File No. 27746, for the sum of Fourteen Thousand Dollars and No Cents (\$14,000.00) payable to plaintiff Florencia L. Mendoza and her attorney of record H. Nelson Meeks, 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

FURTHER RESOLVED: that the sum of Fourteen Thousand Dollars and No Cents (\$14,000.00) be made payable to plaintiff Florencia L. Mendoza and her attorney of record H. Nelson Meeks.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, SCHAAF, REID AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California