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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
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October 21, 2014

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Lavetta Pettway v. City of Oakland  
Alameda Superior Court Case No. RG14726940  
City Attorney File No. 29557  
(Public Works Department – Employment Discrimination)**

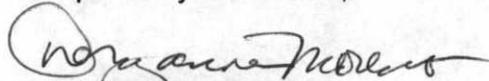
President Kernighan and Members of the City Council:

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 claim for the sum of Seventy Thousand Dollars and no Cents (\$70,000.00), payable in three separate checks as follows: one check payable to Lavetta Pettway in the gross amount of \$15,205.13 less required withholdings, for alleged lost wages, to be reported on a W-2 issued to Lavetta Pettway; a second check payable to Lavetta Pettway for \$30,710.24 for alleged pain & suffering, to be reported on a Form 1099 to Lavetta Pettway; and a third check payable to McCormac & Associates, her attorneys, for \$24,084.63, to be reported on a Form 1099 to McCormac & Associates.

This action arises out of plaintiff Lavetta Pettway's employment as a Gardener Crew Leader in the City's Public Works Agency. Ms. Pettway alleges that she was discriminated against on account of a disability or perceived disability when the City refused to permit her to return to work full duty in 2013.

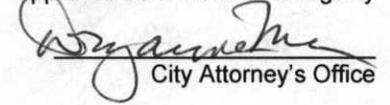
The Council authorized settlement of this case in Closed Session on Tuesday, October 7, 2014 (moved by Councilmember Gibson McElhaney and seconded by Councilmember Reid - 8 Ayes).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Attorney assigned:  
Wendy M. Garbers

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City Attorney's Office

# OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LAVETTA PETTWAY V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14726940, CITY ATTORNEY'S FILE NO. X04027, IN THE AMOUNT OF SEVENTY THOUSAND DOLLARS (\$70,000.00) (PUBLIC WORKS DEPARTMENT - EMPLOYMENT DISCRIMINATION)**

**WHEREAS**, Plaintiff Lavetta Pettway alleges that she was discriminated against in her employment with the City of Oakland on account of her disability or perceived disability; and

**WHEREAS**, Plaintiff Lavetta Pettway filed the above referenced action to recover monetary damages for her alleged injuries; and

**WHEREAS**, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Lavetta Pettway's claim against it for the sum of Seventy Thousand Dollars and No Cents (\$70,000.00); now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Lavetta Pettway v. City of Oakland, Alameda County Superior Court Case No. RG14726940, City Attorney's File No. X04027, for a sum not to exceed Seventy Thousand Dollars and No Cents (\$70,000.00) payable by the City of Oakland; and be it

**FURTHER RESOLVED:** That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement; and be it

**FURTHER RESOLVED:** That the sum of Seventy Thousand Dollars and No Cents (\$70,000.00) be paid in three separate checks as follows: one check payable to Lavetta Pettway in the gross amount of \$15,205.13 less required withholdings, for alleged lost wages, to be reported on a W-2 issued to Lavetta Pettway; a second check payable to Lavetta Pettway for \$30,710.24 for alleged pain & suffering, to be reported on a Form 1099 to Lavetta Pettway; and a third check payable to McCormac & Associates, her attorneys, for \$24,084.63, to be reported on a Form 1099 to McCormac & Associates.

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