



2015 APR 10 PM 8:48

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

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

April 21, 2015

HONORABLE CITY COUNCIL
Oakland, California

**Subject: John Yue v. City of Oakland
Alameda Superior Court Case No. RG14732692
City Attorney File No. 29453
(Public Works Department – Motor Vehicle Accident)**

President McElhaney 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 Eighty Thousand Dollars and no Cents (\$80,000.00), payable to John Yue and Terry D. Buller, his attorney of record.

This action arises out of a motor vehicle accident that occurred on August 22, 2012 at Seventh and Madison Streets. Plaintiff was walking across the street in a marked cross-walk on a green light when he was struck by a City van driven by a City employee.

The Council authorized settlement of this case in Closed Session on Tuesday, March 3, 2015 (moved by Councilmember Gallo and seconded by Councilmember Campbell Washington - 6 Ayes; 2 Absent – Councilmembers Guillen and Reed).

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney assigned:
Tracy Chriss

DRAFT

City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 APR 10 PM 8:49

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JOHN YUE V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14732692, CITY ATTORNEY'S FILE NO. 29453, IN THE AMOUNT OF EIGHTY THOUSAND DOLLARS (\$80,000.00) (PUBLIC WORKS DEPARTMENT – MOTOR VEHICLE ACCIDENT)

WHEREAS, Plaintiff John Yue alleges that on August 22, 2012, he was struck by a City vehicle, driven by a City employee at Seventh and Madison Streets; and

WHEREAS, Plaintiff filed the above referenced action to recover monetary damages for his alleged injuries; and

WHEREAS, the City has determined that settlement in the amount of Eighty Thousand Dollars and No Cents (\$80,000.00), 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 compromise and settle the case of John Yue v. City of Oakland, Alameda County Superior Court Case No. RG14732692, City Attorney's File No. 29453, for the sum of Eighty Thousand Dollars and No Cents (\$80,000.00) payable to John Yue and Terry D. Buller, his attorney of record; 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 Eighty Thousand Dollars and No Cents (\$80,000.00) be made payable to John Yue and Terry D. Buller, his attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California