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CITY OF OAKLAND



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February 2, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: Ana Biocini, et al. v. City of Oakland, et al.
Case No. 14-03315
City Attorney File No. 29896, (Oakland Police Department)

President Gibson 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 Four Hundred Fifty Thousand Dollars and No Cents (\$450,000.00) payable to Plaintiffs Ana Biocini, Rafael Jaramillo, Maria Claudia Jaramillo, Diego Jaramillo, Patricia Jaramillo, Felipe Jaramillo, and Juan Carlos Jaramillo ("Plaintiffs").

This action arises out of the unfortunate death of Plaintiffs' family member during the Oakland Police Department's response to Ana Biocini's 911 call on July 8, 2013.

The Council authorized settlement of this case in Closed Session on Tuesday, January 19, 2016 (moved by Councilmember Rebecca Kaplan and seconded by Councilmember Abel Guillén - 6 Ayes, 1 Absent – Councilmember Larry Reid and 1 Abstention – Councilmember Desley Brooks).

Respectfully submitted,

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

BARBARA J. PARKER
City Attorney

Attorney assigned:
David Pereda

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ANA BIOCINI, ET AL. V. CITY OF OAKLAND, ET AL., UNITED STATES COURT, NORTHERN DISTRICT OF CALIFORNIA CASE NO. 14-03315, CITY ATTORNEY'S FILE NO. 29896, IN THE AMOUNT OF FOUR HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$450,000.00) (OAKLAND POLICE DEPARTMENT)

WHEREAS, Ana Biocini, Rafael Jaramillo, Maria Claudia Jaramillo, Diego Jaramillo, Patricia Jaramillo, Felipe Jaramillo, and Juan Carlos Jaramillo ("Plaintiffs") allege that they incurred damages as a result of the acts or omissions of City employees; and

WHEREAS, Plaintiffs filed a survival and wrongful death lawsuit against the City; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiffs' claims against it for the sum of Four Hundred Fifty Thousand Dollars and No Cents (\$450,000.00) payable by the City of Oakland; now, therefore, be it

RESOLVED: That the City of Oakland is authorized and directed to compromise and settle the case of *Ana Biocini, et al. v. City of Oakland, et al.*, United States Court, Northern District of California Case No. 14-03315, City Attorney's File No. 29896, for a sum not to exceed Four Hundred Fifty Thousand Dollars and No Cents (\$450,000.00); 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 Four Hundred Fifty Thousand Dollars and No Cents (\$450,000.00) be paid to Plaintiffs.

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