

OFFICE OF THE CITY ATTORNEY
OAKLAND

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CITY OF OAKLAND



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August 16, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Fu Ming Zhang v. City of Oakland, et al.*
Alameda County Superior Court No. RG15779485
City Attorney File No. 30611
(Oakland Public Works – Motor Vehicle Collision)

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 the resolution authorizing compromise and settlement of the above-entitled claim for the sum of Sixty Thousand Dollars (\$60,000.00), to be paid to the "Wong & Hung and Fu Ming Zhang".

This matter arises from a motor vehicle versus pedestrian accident on March 20, 2015. Mr. Zhang suffered a fractured hip and received extensive medical treatment.

The Council authorized settlement of this case in Closed Session on Tuesday, July 26, 2016 (moved by Councilmember Kaplan and seconded by Councilmember Gallo – 6 Ayes, 2 Absent – Councilmembers Brooks and President Gibson McElhaney).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Michelle M. Meyers


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 FU MING ZHANG V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15779485, CITY ATTORNEY'S FILE NO. 30611, IN THE AMOUNT OF SIXTY THOUSAND DOLLARS (\$60,000.00) (PUBLIC WORKS – MOTOR VEHICLE COLLISION)

WHEREAS, Plaintiff Fu Ming Zhang alleges that he sustained injuries after he was struck by a City of Oakland vehicle at the intersection of International Boulevard and Market Street on March 20, 2015; and

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

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Fu Ming Zhang's claim against it for the sum of Sixty Thousand Dollars and No Cents (\$60,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Fu Ming Zhang v. City of Oakland, et al., Alameda County Superior Court Case No. RG15779485, City Attorney's File No. 30611, for a sum not to exceed Sixty Thousand Dollars and No Cents (\$60,000.00) 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 Sixty Thousand Dollars and No Cents (\$60,000.00) be payable to the "Wong & Fung and Fu Ming Zhang".

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES -

NOES -

ABSENT -

ABSTENTION -

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