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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

March 4, 2014

HONORABLE CITY COUNCIL
Oakland, California

Subject: Henderson v. City of Oakland
Alameda County Superior Court Case No. RG11595026
City Attorney File No. 28096-B, (Oakland Public Works – Tree Limb Failure)

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 Forty-four Thousand Dollars and No Cents (\$44,000.00), payable to Antionette Henderson and Law Offices of Steven R. Jacobsen, her attorney.

This action arises out of injuries Ms. Henderson sustained when a tree limb fell onto the vehicle in which she was seated on September 27, 2010.

The Council authorized settlement of this case in Closed Session on Tuesday, February 18, 2014 (moved by Councilmember Gibson McElhaney and seconded by Councilmember Reid - 5 Ayes, 0 Noes, 3 Absent).

Respectfully submitted,

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

BARBARA J. PARKER
City Attorney

Attorney assigned:
Arlene M. Rosen

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Approved as to Form and Legality


City Attorney's Office

16 FEB 19 PM 12:17
OAKLAND CITY COUNCIL

Resolution No _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ANTIONETTE HENDERSON V. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11595026, CITY ATTORNEY'S FILE NO. 28096-B, IN THE AMOUNT OF FORTY-FOUR THOUSAND DOLLARS (\$44,000.00) (OAKLAND PUBLIC WORKS-TREE LIMB FAILURE)

WHEREAS, Plaintiff Antionette Henderson alleges that she sustained injuries as a result of a City tree limb falling onto the vehicle in which she was seated on September 27, 2010, and

WHEREAS, Plaintiff Antionette Henderson filed the above-referenced action to recover monetary damages for her injuries; and

WHEREAS, The City has determined to compromise and settle Plaintiff Antionette Henderson's claim against it for the sum of Forty-Four Thousand Dollars and No Cents (\$44,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Antionette Henderson v. City of Oakland, et al, Alameda County Superior Court Case No. RG11595026, City Attorney's File No. 28096-B, for a sum not to exceed Forty-Four Thousand Dollars and No Cents (\$44,000.00) payable by the City of Oakland; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary o effect said settlement, and be it

FURTHER RESOLVED: That the sum of Forty-Four Thousand Dollars and No Cents (\$44,000.00) be paid to Antionette Henderson and the Law Offices of Steven R. Jacobsen, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -
ABSENT -
ABSTENTION -

ATTEST

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