

12 JUL -3 PM 4:58

OAKLAND CITY COUNCIL

RESOLUTION No. 83971 C.M.S.

CEV

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ROSE MELLION, ET AL v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11-555270, IN THE AMOUNT OF \$45,000.00 AS A RESULT OF A TREE LIMB FALLING ON PLAINTIFFS ADJACENT TO 1710 34TH AVENUE IN OAKLAND ON AUGUST 14, 2009 (PUBLIC WORKS AGENCY – TREE DIVISION)

WHEREAS: On August 14, 2009, Plaintiffs Rose Mellion, Felicia Williams and Tanya Foster were injured by a falling branch from a City of Oakland tree adjacent to 1710 34th Avenue; and

WHEREAS: Th at Alameda County Superior Court Case No. RG11-555270 resulted from this incident wherein Plaintiffs allege that the tree constituted a dangerous condition of public property; and

WHEREAS: It is in the City's best interest to settle this case to avoid the possibility of an adverse jury verdict;

NOW, THEREFORE, BE IT RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Rose Mellion, et al v. City of Oakland, et al, City Attorney's File No. 27659, for the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00); and be it

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

FURTHER RESOLVED: That the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00) be payable as follows; Rose Mellion and her attorney Michael C. Cohen (\$15,000.00); Felicia Williams and her attorney Michael C. Cohen (\$15,000.00); Tanya Foster and her attorney Michael C. Cohen (\$15,000.00).

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 17 2012 2012

PASSED BY THE FOLLOWING VOTE:

AYES – DE LA FUENTE, KERNIGHAN, NADEL, ~~BRUNNER~~, SCHAFF, BROOKS, ~~KAPLAN~~ and PRESIDENT REID - 6

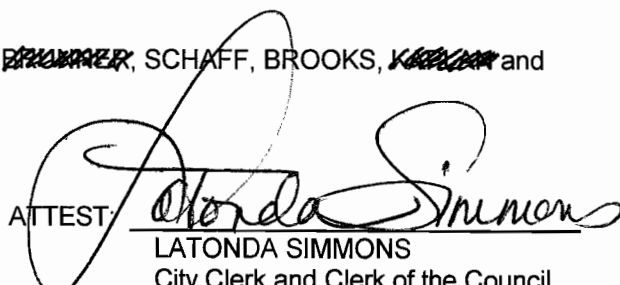
NOES - 0

ABSENT - Brunner - 1

ABSTENTION - 0

Excused - Kaplan - 1

ATTEST:


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