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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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April 19, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: Jeffrey Biggs & Evan Robinson, a Minor v. City of Oakland
Alameda County Superior Court No. RG15-758388
City Attorney File No. 29623
(Oakland Public Works – Motor Vehicle Collision)

President Gibson-McElhaney and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) payable to Plaintiffs Jeffrey Biggs & Evan Robinson, a Minor and their attorney Walter L. Davis.

This action arises from an auto collision on April 30, 2013, wherein a City truck accidentally struck Plaintiffs' vehicle while the City employee/driver attempted to avoid a descending railway crossing arm. Plaintiff and his seven year old son occupied Plaintiff's vehicle at the time of the incident. Both Mr. Biggs and his son suffered soft tissue injuries and underwent medical treatment, including several weeks of chiropractic care.

The City Council authorized settlement of this case in Closed Session on Tuesday, April 5, 2016 (moved by Councilmember Gallo and seconded by Councilmember Reid - 8 Ayes).

Respectfully submitted,

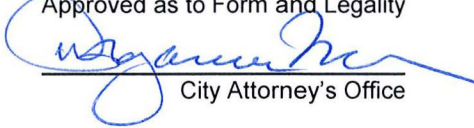
A handwritten signature in blue ink, which appears to read 'Barbara J. Parker'.

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Colin T. Bowen

1874967

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Approved as to Form and Legality

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 JEFFREY BIGGS & EVAN ROBINSON, A MINOR v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15-758388, IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS AND NO CENTS (\$15,000.00) AS A RESULT OF AN AUTOMOBILE COLLISION ON APRIL 30, 2013 (PUBLIC WORKS - MOTOR VEHICLE COLLISION)

WHEREAS, Jeffery Biggs and his minor son, Evan Robinson were injured when their car was struck by a City Vehicle, driven by a City employee at a railway crossing located within the 800 block of 66th Ave. in the City of Oakland on April 30, 2013; and

WHEREAS, Jeffery Biggs and his minor son, Evan Robinson sustained injuries requiring medical treatment as a result of this accident; and

WHEREAS, Alameda County Superior Court Action RG15-758388 was filed against the City of Oakland alleging negligence; and

WHEREAS, In order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Jeffrey Biggs & Evan Robinson, a Minor v. City of Oakland, RG15-758388, City Attorney's File No. 29623, for the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00); 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 Fifteen Thousand Dollars and No Cents (\$15,000.00) be payable to Plaintiffs Jeffrey Biggs & Evan Robinson, a Minor and their attorney Mark W. Mandel.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, 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