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Office of the City Attorney
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October 19, 2004

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Intelliguard Security, Inc. v. City of Oakland, et al.
Alameda County Superior Court No. 2001025510
Our File No. 21351 (PUBLIC WORKS AGENCY –
TRIP AND FALL SUBROGATION CLAIM)**

President De La Fuente and Members of the City Council:

Pursuant to §401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action for the sum of Nine Thousand Dollars and No Cents (\$9,000.00) made payable to Intelliguard Security, Inc. and Gary Scott Decker, its attorney.

This case arises out of Plaintiff Intelliguard Securities, Inc. claim for reimbursement of workers' compensation benefits it paid to its employee, Sean Haynes, who injured his right foot and ankle when he stepped into a pothole. The settlement is recommended to avoid a potentially much larger adverse jury verdict.

Respectfully submitted,

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Arlene M. Rosen
331171

ORA/COUNCIL

OCT 19 2004

OAKLAND CITY COUNCIL

RESOLUTION No. _____

FILED
OFFICE OF THE CITY CLERK
C.M.S. OAKLAND

2004 OCT -6 PM 12:02

AMR/bjw

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF INTELLIGUARD SECURITY, INC. V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT NO. 2001025510, OUR FILE NO. 21351, IN THE AMOUNT OF \$9,000.00 (PUBLIC WORKS AGENCY – TRIP AND FALL SUBROGATION CLAIM)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Intelliguard Security, Inc. v. City of Oakland, et al., City Attorney's File No. 21351, for a sum not to exceed Nine Thousand Dollars and No Cents (\$9,000.00) made payable to Intelliguard Security, Inc. and Gary Scott Decker, its attorney.

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

FURTHER RESOLVED: That the sum of Nine Thousand Dollars and No Cents (\$9,000.00) made payable to Intelliguard Security, Inc. and Gary Scott Decker, its attorney.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

10.600

ATTEST: _____ **ORA/COUNCIL**

CEDA FLOYD

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

OCT 19 2004