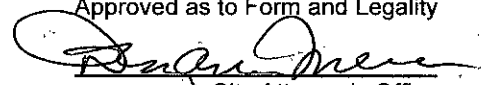


14 MAR 20 PM 12:00


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. 84905 C.M.S.

CEV

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DULCEY BOWER v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12-634283, CITY ATTORNEY FILE NUMBER 28770, IN THE AMOUNT OF \$3,250,000.00 (PUBLIC WORKS AGENCY - DANGEROUS CONDITION/ BICYCLE ACCIDENT)

WHEREAS, Dulcey Bower was seriously injured when a bicycle she was riding struck a deep pothole on Mountain Boulevard near the entrance to Highway 13 in the City of Oakland; and

WHEREAS, Ms. Bower sustained serious injuries requiring medical treatment as a result of this accident; and

WHEREAS, Alameda County Superior Court Action RG12-634283 was filed against the City of Oakland alleging a dangerous condition of public property; 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 Dulcey Bower v. City of Oakland, City Attorney's File No. 28770, for the sum of Three Million Two Hundred Fifty Thousand Dollars and No Cents (\$3,250,000.00); and be it

FURTHER RESOLVED: That the City of Oakland will pay Ms. Bower Three Million Dollars (\$3,000,000.00) of the settlement and the City's excess liability insurance carrier will pay the remaining Two-Hundred Fifty Thousand Dollars (\$250,000.00) of the settlement; 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 Three Million Dollars and No Cents (\$3,000,000.00) be payable to Plaintiff Dulcey Bower and her attorney Carter Zinn.

IN COUNCIL, OAKLAND, CALIFORNIA

APR 01 2014

PASSED BY THE FOLLOWING VOTE:

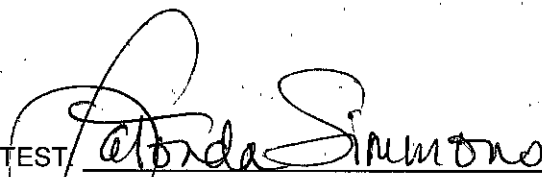
AYES: SCHAAF, BROOKS, KAPLAN, GALLO, KALB, GIBSON McELHANEY, REID and PRESIDENT KERNIGHAN - 8

NOES:

ABSENT:

ABSTENTION:

ATTEST


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