

2014 OCT 22 PM 3:08

CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

November 5, 2014

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Andre Traylor v. City of Oakland, Stephen Choi
Alameda County Superior Court No. RG13-698346
City Attorney File No. 29575
(Oakland Police Department – Motor Vehicle Collision)**

President Kernighan 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 Eighteen Thousand Six Hundred Twenty-Five Dollars and No Cents (\$18,625.00) payable to Plaintiff Andre Traylor and his attorney Thomas H. LemMon.

This action arises from an incident on November 6, 2012, wherein Mr. Traylor was involved in a motor vehicle accident when the vehicle he was driving was rear-ended by a police patrol car driven by Officer Stephen Choi on Broadway in Oakland. Mr. Traylor sustained injuries in that incident that required medical treatment.

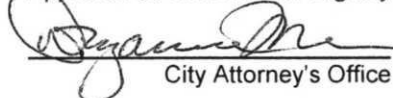
The Council authorized settlement of this case in Closed Session on Tuesday, October 21, 2014 (moved by Councilmember Gibson McElhaney and seconded by Councilmember Kaplan – 6 Ayes, 2 Absent – Councilmembers Reid and Schaaf).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written in a cursive style.

BARBARA J. PARKER
City Attorney

2014 OCT 22 PM 3:08


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 ANDRE TRAYLOR v. CITY OF OAKLAND, STEPHEN CHOI, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13-698346, IN THE AMOUNT OF EIGHTEEN-THOUSAND-SIX-HUNDRED-TWENTY-FIVE DOLLARS AND NO CENTS (\$18,625.00) AS A RESULT OF MOTOR VEHICLE ACCIDENT ON OR ABOUT NOVEMBER 6, 2012 (OAKLAND POLICE DEPARTMENT – MOTOR VEHICLE COLLISION)

WHEREAS, Andre Traylor was injured when the vehicle he was driving was rear-ended by a police patrol car driven by Officer Stephen Choi on Broadway in the City of Oakland on November 6, 2012; and

WHEREAS, Mr. Traylor sustained injuries requiring medical treatment as a result of this accident; and

WHEREAS, Alameda County Superior Court Action RG13-698346 was filed against the City of Oakland and Officer Stephen Choi Bay 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 Andre Traylor v. City of Oakland, Stephen Choi, City Attorney's File No. 29575, for the sum of Eighteen Thousand Six Hundred Twenty-Five Dollars and No Cents (\$18,625.00); 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 Eighteen-Thousand-Six-Hundred-Twenty-Five Dollars and No Cents (\$18,625.00) be payable to Plaintiff Andre Traylor and his attorney Thomas H. LemMon.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

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

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California