

18 MAY 17 PM 12:45

CITY OF OAKLAND



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Office of the City Attorney
Barbara J. Parker
City Attorney

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June 5, 2018

HONORABLE CITY COUNCIL
Oakland, California

**Subject: State Farm General Insurance v. City of Oakland, et al.
Alameda County Superior Court No. RG17869113
City Attorney File No. 30814
(Public Works – Dangerous Condition)**

President Larry Reid 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 the 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 Sixty Two Thousand Dollars and No Cents (\$62,000.00) payable to Plaintiff State Farm General Insurance and its attorneys, Garry J.D. Hubert and Miriam P. Maxwell.

This action arises from an incident on August 12, 2015, wherein a blockage in the City's main sewer caused raw sewage to infiltrate a business complex located at 411 East 18th Street in Oakland.

The Council authorized settlement of this case in Closed Session on Tuesday, March 20, 2018 (moved by Councilmember Rebecca Kaplan and seconded by Councilmember Noel Gallo - 7 Ayes, 1 Absent – Councilmember Dan Kalb).

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Barbara J. Parker". The signature is written in a cursive, flowing style.

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Christina Lum

Doriana Mares
City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF STATE FARM GENERAL INSURANCE v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG17869113, IN THE AMOUNT OF SIXTY TWO THOUSAND DOLLARS AND NO CENTS (\$62,000.00) AS A RESULT OF A BLOCKAGE IN THE CITY'S MAIN SEWER ON AUGUST 12, 2015 (PUBLIC WORKS - DANGEROUS CONDITION)

WHEREAS, State Farm General Insurance filed this subrogation lawsuit against the City as a result of the blockage in the City's main sewer on August 12, 2015, at 411 East 18th Street; and

WHEREAS, State Farm General Insurance demanded lost income, restoration costs, and deductible cost against the City as a result of this accident; and

WHEREAS, Alameda County Superior Court Action RG17869113 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 State Farm General Insurance v. City of Oakland, et al, RG17869113 City Attorney's File No. 30814, for the sum of Sixty Two Thousand Dollars and No Cents (\$62,000.00); 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.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN AND PRESIDENT REID

NOES:

ABSENT:

ABSTENTION:

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