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CITY OF OAKLAND



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Office of the City Attorney
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December 10, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: State Farm Mutual Automobile Ins. Co. v. Nicole Monique
Carden; City of Oakland, et al.
Alameda County Superior Court No. RG12-664366
City Attorney File No. 29249
(Oakland Parking Division-Vehicle Collision)

President Kernighan and Members of the City Council:

Pursuant to Section 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. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) payable to Clerkin & Sinclair, LLP In Trust For State Farm.

This action arises from an incident on August 1, 2012, wherein a vehicle driven by an insured of State Farm sustained damage after being struck by a City of Oakland Parking Division vehicle. This matter was heard in closed session on December 10, 2013.

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
JAMES F. HODGKINS

James F. Hopkins
City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

JFH
JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF STATE FARM MUTUAL INS. CO. v. NICOLE MONIQUE CARDEN; CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13-664366 IN THE AMOUNT OF \$7,500.00 AS A RESULT OF A VEHICLE ACCIDENT AT BROOKLYN & MERRITT AVENUES (OAKLAND PARKING DIVISION-VEHICLE COLLISION)

WHEREAS: State Farm Mutual Insurance Company provided property damage insurance for a vehicle that was struck by a vehicle driven by a City of Oakland employee; and

WHEREAS: The vehicle insured by State Farm Mutual Insurance Company sustained damage as a result of the vehicle collision; 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 Mutual Ins. Co. v. Nicole Monique Carden; City of Oakland, City Attorney's File No. 29249, for the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00); 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 Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) be payable to Clerkin & Sinclair, LLP In Trust For State Farm.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2013

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