



14 JAN 23 PM 2: 26

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

February 4, 2014

HONORABLE CITY COUNCIL
Oakland, California

Subject: Douglas & Jenni Howland v. City of Oakland, at al.
Alameda County Superior Court No. RG12-621205
City Attorney File No. 28509 (Office of Public Works)

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 One Hundred Thirty Thousand Dollars and No Cents (\$130,000.00) payable to Plaintiffs Douglas and Jenni Howland and their attorney Joyce S. Mendlin.

This action arises from a sewer backup on Leo Way in Oakland on or about February 25, 2011. The Howlands' property located at 964 Leo Way in the City of Oakland was damaged as a result of this backup.

The Council authorized settlement of this case in Closed Session on Tuesday, January 21, 2014 (moved by Councilmember Gibson McElhaney and seconded by Councilmember Gallo - 5 ayes, 2 Absent (Kaplan & Reid), 1 Abstention (Brooks)).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written over the typed name.

BARBARA J PARKER
City Attorney

Attorney Assigned
CHARLES E. VOSE

Robert J. Park
City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

14 JAN 23 PM 2:26

RESOLUTION No. _____ C.M.S.

CEV

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DOUGLAS & JENNI HOWLAND v CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12-621205 IN THE AMOUNT OF ONE HUNDRED THIRTY THOUSAND DOLLARS AND NO CENTS (\$130,000.00) AS A RESULT OF A SEWER BACKUP (OFFICE OF PUBLIC WORKS)

WHEREAS. A City owned and maintained sewer line on Leo Way in Oakland became blocked on or about February 25, 2011, and

WHEREAS: This sewer blockage caused a backup into the home at 964 Leo Way owned by Douglas & Jenni Howland, and

WHEREAS: The home at 964 Leo Way owned by Douglas & Jenni Howland was damaged as a result of this sewer blockage, 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 Douglas & Jenni Howland v City of Oakland, City Attorney's File No 28509, for the sum of One Hundred Thirty Thousand Dollars and No Cents (\$130,000 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, and be it

FURTHER RESOLVED: That the sum of One Hundred Thirty Thousand Dollars and No Cents (\$130,000 00) be payable to Plaintiffs Douglas & Jenni Howland and their attorney Joyce S Mendlin

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2014

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