

14 OCT -9 PM 2:50

CITY OF OAKLAND



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City Attorney

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October 21, 2014

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Jack Johnny Williams, Jr. v. City of Oakland
Alameda Superior Court Case No. RG13708445
City Attorney File No. 29698
(Public Works Department – Dangerous Condition)**

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 claim for the sum of Two Hundred Ninety Five Thousand Dollars and No Cents (\$295,000.00), to be paid in three separate checks as follows: the first check for \$45,000 payable to Alameda County Medical Center to satisfy its lien related to Jack Johnny Williams Jr.'s medical treatment, the second check for \$666.50 payable to Leonard S. Becker to satisfy his lien related to the provision of legal services, and a third check for \$249,333.50 payable to the Law Offices of Walter G. Harper in Trust for Jack Johnny Williams Jr.

This action arises out of plaintiff Jack Johnny Williams Jr.'s February 21, 2013 bicycle accident around 2322 East 21st Street. Plaintiff alleges that the accident was caused by a pothole that was a Dangerous Condition of Public Property under § 835 of California's Government Code.

The Council authorized settlement of this case in Closed Session on Tuesday, July 30, 2014 (moved by Councilmember Gallo and seconded by Councilmember Kaplan - 7 Ayes, 1 Absent - Schaaf).

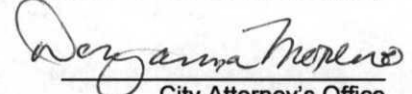
Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney assigned:
Wendy M. Garbers

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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 JACK JOHNNY WILLIAMS, JR. V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13708445, CITY ATTORNEY'S FILE NO. 29698, IN THE AMOUNT OF TWO HUNDRED NINETY FIVE THOUSAND DOLLARS (\$295,000.00) (PUBLIC WORKS DEPARTMENT – DANGEROUS CONDITION)

WHEREAS, Plaintiff Jack Johnny Williams Jr. alleges that his bicycle accident on February 21, 2013 was caused by a pothole around 2322 East 21st Street; and

WHEREAS, Plaintiff Jack Johnny Williams Jr. filed the above referenced action to recover monetary damages for her alleged injuries; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Jack Johnny Williams Jr.'s claim against it for the sum of Two Hundred Ninety Five Thousand Dollars and No Cents (\$295,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Jack Johnny Williams, Jr. v. City of Oakland, Alameda County Superior Court Case No. RG13708445, City Attorney's File No. 29698, for a sum not to exceed Two Hundred Ninety Five Thousand Dollars and No Cents (\$295,000.00) payable by the City of Oakland; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Two Hundred Ninety Five Thousand Dollars and No Cents (\$295,000.00) be paid in three separate checks as follows: the first check for \$45,000 payable to Alameda County Medical Center to satisfy its lien related to Jack Johnny Williams, Jr.'s medical treatment, the second check for \$666.50

payable to Leonard S. Becker to satisfy his lien related to the provision of legal services, and a third check for \$249,333.50 payable to the Law Offices of Walter G. Harper in Trust for Jack Johnny Williams, Jr.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

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