

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2010 OCT -7 PM 3:05
RESOLUTION NO. 83015 C.M.S.

RWH: ssl

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF NICOLE WHITE, PATRICIA WILSON v. CITY OF OAKLAND, ET AL. UNITED STATES DISTRICT COURT CASE NO. C09-05743 WHA, CITY ATTORNEY'S FILE NO. 27195, IN THE AMOUNT OF ONE MILLION TWO HUNDRED FORTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$1,245,000.00), AS A RESULT OF AN OCTOBER 31, 2008 INCIDENT IN WHICH PLAINTIFFS WERE INJURED BY BURNS CAUSED BY THE EXPLOSION OF A DISTRACTIONARY DEVICE DEPLOYED BY CITY EMPLOYEES (OPD)

WHEREAS, on October 31, 2008, Nicole White and Patricia Wilson were injured by burns caused by the explosion of a distractionary device deployed by City of Oakland employees; and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; and

WHEREAS, the parties agree and the court has ordered that all funds payable to Nicole White shall, less her reasonable attorney fees and costs, be placed in a special needs trust for the benefit of Nicole White; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Nicole White, Patricia Wilson v. City of Oakland et al., United States District Court Case No. C09-05743 WHA, City Attorney File No. 27195, for the sum of One Million Two Hundred Forty-Five Thousand Dollars and No Cents (\$1,245,000.00) made payable as follows: Three Hundred Twenty Thousand Dollars and No Cents (\$320,000.00) made payable to Settlement Professionals, Inc. in trust for Plaintiff Nicole White and John L. Burris, her attorney; Eight Hundred Eighty Thousand Dollars and No Cents (\$880,000.00) made payable to Nicole White and John L. Burris, her attorney; and Forty-Five Thousand Dollars and No Cents (\$45,000.00) made payable to Plaintiff Patricia Wilson and John L. Burris, her attorney; 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 Million Two Hundred Forty-Five Thousand Dollars and No Cents (\$1,245,000.00) shall be made payable as follows: Three Hundred Twenty Thousand Dollars and No Cents (\$320,000.00) made payable to Settlement Professionals, Inc. in trust for Plaintiff Nicole White and John L. Burris, her attorney; Eight Hundred Eighty Thousand Dollars and No Cents (\$880,000.00) made payable to Nicole White and John L. Burris, her attorney; and Forty-Five Thousand Dollars and No Cents (\$45,000.00) made payable to Plaintiff Patricia Wilson and John L. Burris, her attorney;

OCT 19 2010
IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

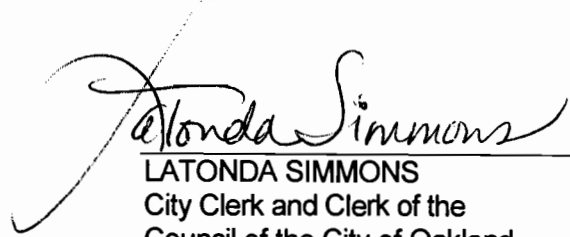
AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIHGAN, NADEL, QUAN, ~~REID~~ and PRESIDENT BRUNNER - 7

NOES- 0

ABSENT- 0

ABSTENTION- Reid - 1

ATTEST:


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