

16 SEP 15 PM 2:00

CITY OF OAKLAND



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September 20, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Jane Roe, by and through her Guardian Ad Litem
Janet Roe, et al. v. City of Oakland, et al.*
Alameda County Superior Court Case No. RG14732238
City Attorney File No. 29938
(Office of Parks and Recreation - Child Assaulted)


President Reid and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of the resolution amending Resolution No. 86329 C.M.S. which authorizes the compromise and settlement of the above-entitled claim for the sum of Two Hundred and Thirty Thousand Dollars and Zero Cents (\$230,000.00). The amendment is required to change the payees identified on Resolution No. 86329 C.M.S.

This matter arises from an alleged molestation of a minor at Allendale Recreation Center on November 5, 2013.

The Council authorized settlement of this case in Closed Session on Tuesday, June 7, 2016 (moved by Councilmember Gallo and seconded by Councilmember Kalb - 8 Ayes) and also authorized the settlement of this case at the City Council meeting on Tuesday, July 26, 2016 (Ayes - Campbell-Washington, Gallo, Guillen, Kalb, Reid and President Gibson McElhaney; Abstention - Brooks).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
Michelle M. Meyers

16 SEP 15 PM 2:00

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AMENDING RESOLUTION NO. 86329 C.M.S. WHICH AUTHORIZES AND DIRECTS THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JANE ROE, BY AND THROUGH HER GUARDIAN AD LITEM JANET ROE, ET AL. V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14732238, CITY ATTORNEY'S FILE NO. 29938, IN THE AMOUNT OF TWO HUNDRED AND THIRTY THOUSAND DOLLARS AND ZERO CENTS (\$230,000.00) (OFFICE OF PARKS AND RECREATION - CHILD ASSAULTED), TO CHANGE THE PAYEES

WHEREAS, on July 26, 2016 Oakland City Council passed Resolution No. 86329 C.M.S. which authorized the City Attorney to compromise and settle the case of Jane Roe, by and through her Guardian Ad Litem Janet Roe, et al. v. City of Oakland, et al., Alameda County Superior Court Case No. RG14732238, City Attorney's File No. 29938, for a sum not to exceed Two Hundred and Thirty Thousand Dollars and No Cents (\$230,000.00) payable by the City of Oakland; and be it

WHEREAS, Resolution No. 86329 C.M.S. provides that the sum of Two Hundred and Thirty Thousand Dollars and No Cents (\$230,000.00) be payable as follows: in the amount of One Hundred and Twenty-One Dollars and No Cents (\$121,000.00) payable to "Winer, McKenna, Burritt, LLP" and in the amount of One Hundred and Nine Thousand Dollars and No Cents (\$109,000.00) payable to "BARCO Assignments, Ltd."

WHEREAS, after Resolution No. 86329 C.M.S. was passed, the Department of Health Services submitted a lien for payment of medical expenses it paid on behalf of Plaintiff Jane Roe. Accordingly, the payees and payment information as referenced in Resolution No. 86329 C.M.S. shall be amended to reflect the payment to the Department of Health Services.

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Jane Roe, by and through her Guardian Ad Litem Janet Roe, et al. v. City of Oakland, et al., Alameda County Superior Court Case No. RG14732238, City Attorney's File No. 29938, for a sum not to exceed Two Hundred and Thirty Thousand Dollars and No Cents (\$230,000.00) 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: The sum of Two Hundred and Thirty Thousand Dollars and No Cents (\$230,000.00) be payable as follows: in the amount of One Hundred Ten Thousand and One Hundred Eighty-One Dollars and Seventy-Two Cents (\$110,181.72) payable to "Winer, McKenna, Burritt, LLP"; in the amount of One Hundred Eighteen Thousand and Seven Hundred Fifty-Eight Dollars and Fifty-Six Cents (\$118,758.56) payable to "BARCO Assignments, Ltd"; and in the amount of One Thousand Fifty-Nine Dollars and Seventy-Two Cents (\$1,059.72) payable to Department of Health Services.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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

1973708