

2014 OCT 22 PM 3: 10

CITY OF OAKLAND



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November 5, 2014

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Liberty Mutual Insurance Company as subrogee for Kelly Koehn  
City Attorney File No. C30125  
(Oakland Police Department - Auto 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 claim for the sum of Six Thousand Two Hundred Sixty Nine Dollars and Thirty Three Cents (\$6,269.33) made payable to Liberty Mutual Insurance Company as subrogee for Kelly Koehn.

This action arises out of a February 24, 2014 accident in which the driver of the City vehicle opened his car door into the claimant's vehicle. Settlement of this matter is recommended to avoid the risk of litigation.

The Council authorized settlement of this case in Closed Session on Tuesday, October 9, 2014 (moved by Councilmember Reid and seconded by Councilmember Schaaf – 6 Ayes, 2 Absent – Councilmembers Brooks and Gibson McElhaney).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

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Office of the City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF LIBERTY MUTUAL INSURANCE COMPANY, CITY ATTORNEY'S CLAIM NO. C30125, IN THE AMOUNT OF SIX THOUSAND TWO HUNDRED SIXTY NINE DOLLARS AND THIRTY THREE CENTS (\$6,269.33) PAYABLE TO LIBERTY MUTUAL INSURANCE COMPANY AS SUBROGEE FOR KELLY KOEHN (OAKLAND POLICE DEPARTMENT - AUTO COLLISION)**

**WHEREAS**, claimant alleges that on February 24, 2014, the driver of a City vehicle opened his car door into the claimant's passing vehicle causing property damage, and

**WHEREAS**, the claimant filed the above entitled claim seeking payment for said damages, 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; now therefore, be it

**RESOLVED**: That the City Attorney is authorized and directed to settle the claim of Liberty Mutual Insurance Company as subrogee for Kelly Koehn, our file C30125, in the amount of Six Thousand Two Hundred Sixty Nine dollars and Thirty Three Cents (\$6,269.33); 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 Six Thousand Two Hundred Sixty Nine Dollars and Thirty Three Cents (\$6,269.33) be made payable to Liberty Mutual Insurance Company as subrogee for Kelly Koehn.

IN COUNCIL, OAKLAND, CALIFORNIA,

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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