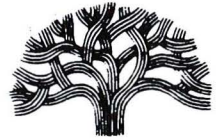


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ONE FRANK OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara J. Parker  
City Attorney

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September 21, 2015

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Kenneth Windsor v. City of Oakland  
Alameda County Superior Court No. RG14-733628  
City Attorney File No. 29958  
(Public Works– Dangerous Condition)**

President Gibson-McElhaney and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the 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 Eighty Thousand Dollars and No Cents (\$80,000.00) payable to Plaintiff Kenneth Windsor and his attorney Nicholas J. Mastrangelo.

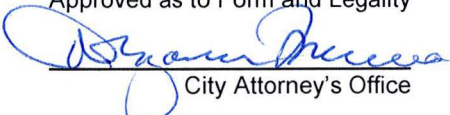
This action arises from an incident on September 7, 2013, wherein Mr. Windsor struck a pothole while riding his bicycle in front of 6421 Benvenue Avenue in Oakland. Mr. Windsor suffered a fracture to his right wrist and soft tissue injuries to his right thumb and shoulder requiring medical treatment.

The Council authorized settlement of this case in Closed Session on Tuesday, September 8, 2015 (moved by Councilmember Dan Kalb and seconded by Councilmember Anne Campbell-Washington – 5 Ayes, 3 Absent, Councilmembers Brooks, Gallo and Reid).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Charles E. Vose

  
City Attorney's Office

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# OAKLAND CITY COUNCIL

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

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF KENNETH WINDSOR v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14-733628, IN THE AMOUNT OF EIGHTY THOUSAND DOLLARS AND NO CENTS (\$80,000.00) AS A RESULT OF A BICYCLE ACCIDENT ON SEPTEMBER 7, 2013 (PUBLIC WORKS-DANGEROUS CONDITION)**

**WHEREAS**, Kenneth Windsor was injured when he struck a pothole and fell from his bicycle in front of 6421 Benvenue Avenue in the City of Oakland on September 7, 2013; and

**WHEREAS**, Mr. Windsor sustained injuries requiring medical treatment as a result of this accident; and

**WHEREAS**, Alameda County Superior Court Action RG14-733628 was filed against the City of Oakland alleging a dangerous condition of public property; 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 Kenneth Windsor v. City of Oakland, RG14-733628, City Attorney's File No. 29958, for the sum of Eighty Thousand Dollars and No Cents (\$80,000.00); 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 Eighty Thousand Dollars and No Cents (\$80,000.00) be payable to Plaintiff Kenneth Windsor and his attorney Nicholas J. Mastrangelo.

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