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CITY OF OAKLAND



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

Office of the City Attorney  
John A. Russo  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TDD: (510) 839-6451

May 18, 2004

HONORABLE CITY COUNCIL  
Oakland, California

President De La Fuente and Members of the City Council

**Subject: Resolution Authorizing Settlement of  
Claim of State Farm Insurance as Subrogee of Joseph Tuman and  
Kristen Weisser  
File Number: C23935**

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled claim for the sum of Fourteen Thousand Three Hundred Seventy Four Dollars and No Cents (\$14,734.00), payable to State Farm Insurance as subrogee of Joseph Tuman and Kristen Weisser as a result of a tree falling on the insured's house after a sewer trench failed on January 9, 2004. (Public Works Agency) This was not a closed session item.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO  
City Attorney

10.3CC  
OAKLAND COUNCIL  
MAY 18 2004

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

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JAR: ED



**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF STATE FARM INSURANCE AS SUBROGEE OF JOSEPH TUMAN AND KRISTEN WEISSER IN THE AMOUNT OF FOURTEEN THOUSAND THREE HUNDRED SEVENTY FOUR DOLLARS AND NO CENTS (14,374.00) AS A RESULT OF A SEWER TRENCH FAILURE THAT CAUSED A TREE TO FALL ONTO INSURED'S PROPERTY. (PWA)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the claim of State Farm Insurance, our file number C23935, for the sum of Fourteen Thousand Three Hundred Seventy Four Dollars and No Cents (\$14,374.00), payable to State Farm Insurance as subrogee of Joseph Tuman and Kristen Weisser.

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

**FURTHER RESOLVED:** That the sum of Fourteen Thousand Three Hundred Seventy Four Dollars and No Cents (\$14,374.00), be paid to State Farm Insurance as subrogee of Joseph Tuman and Kristen Weisser.

In Council, Oakland, California, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

Attest \_\_\_\_\_

CEDA FLOYD  
City clerk and Clerk of the Council of  
the City of Oakland, California

*10.3CC*  
**ORA/COUNCIL**  
**MAY 18 2004**