

[Signature]
City Attorney's Office

15 SEP 17 AM 11:33

OAKLAND CITY COUNCIL

RESOLUTION No. 85785 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

SEP 21 2015

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY - 8

NOES: 0

ABSENT: 0

ABSTENTION: 0

ATTEST:

[Signature: Latonda Simmons]
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California