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CITY OF OAKLAND



12 OCT 31 PM 2:47

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

Office of the City Attorney  
Barbara J. Parker  
City Attorney

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November 13, 2012

HONORABLE CITY COUNCIL  
Oakland, California

Subject: State Farm Mutual Automobile Insurance Company  
v. City of Oakland, et al.  
Alameda County Superior Court No. RG11578636  
Our File No. 28096 (Public Works Agency – Property Damage)

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 a resolution authorizing compromise and settlement of the above-entitled action for the sum of Thirteen Thousand Seven Hundred Sixty-three Dollars and No Cents (\$13,763.00) payable to Clerkin & Sinclair, LLP, in trust for State Farm Mutual Automobile Insurance Company.

This action arises out of damage to the automobile owned by Plaintiff's insured when the limb of a City-owned tree struck her car on September 27, 2010. This matter was heard in closed session on October 16, 2012.

Respectfully submitted,

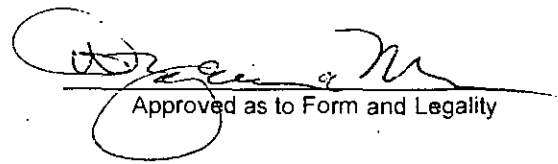
A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written over the typed name.

BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Arlene Rosen

1028024

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Approved as to Form and Legality

12 OCT 31 PM 2:07 **OAKLAND CITY COUNCIL**

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11578636 IN THE AMOUNT OF \$13,763.00 (PUBLIC WORKS AGENCY-TREE LIMB)**

**WHEREAS:** the City has determined to compromise and settle Plaintiff State Farm Mutual Automobile Insurance Company's claim against it for the sum of Thirteen Thousand, Seven Hundred Sixty-three Dollars and No Cents (\$13,763.00);

**RESOLVED:** that the City Attorney is authorized and directed to compromise and settle the case of State Farm Mutual Automobile Insurance Company v. City of Oakland, Alameda County Superior Court No. 11578636 City Attorney's File No. 28096, for a sum not to exceed Thirteen Thousand, Seven Hundred Sixty-three Dollars and No Cents (\$13,763.00), payable by the City of Oakland.

**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 Thirteen Thousand, Seven Hundred Sixty-three Dollars and No Cents (\$13,763.00), be paid to Clerkin & Sinclair, LLP, in trust for State Farm Mutual Automobile Insurance Company.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS

CITY CLERK AND CLERK OF THE  
COUNCIL OF THE CITY OF OAKLAND