

2014 OCT 22 PM 3:09

CITY OF OAKLAND



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November 5, 2014

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Nancy Lee, Monica Lee and Samantha Lee v. City of Oakland
Alameda Superior Court Case No. RG12641451
City Attorney File No. 28903
(Public Works Department – Dangerous Condition)**

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 Two Million Dollars and no Cents (\$2,000,000.00), payable to The Law Offices of Gwilliam, Ivary, Chiosso, Cavalli & Brewer, In Trust For Nancy Lee, Monica Lee, and Samantha Lee.

This action arises out of Allen Lee's fatal bicycle accident on Grizzly Peak Boulevard on September 24, 2011. Plaintiffs allege that a crack in the road caused the accident and constituted was a Dangerous Condition of Public Property under § 835 of California's Government Code.

The Council authorized settlement of this case in Closed Session on Tuesday, October 7, 2014 (moved by Gibson McElhaney and seconded by Councilmember Schaaf – 8 Ayes).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barbara J. Parker", written in black ink.

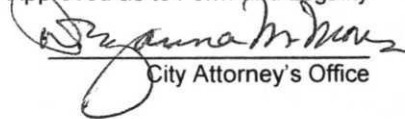
BARBARA J. PARKER
City Attorney

Attorney assigned:
Wendy M. Garbers

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OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney's Office

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF NANCY LEE, MONICA LEE, AND SAMANTHA LEE V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12641451, CITY ATTORNEY'S FILE NO. 28903, IN THE AMOUNT OF TWO MILLION DOLLARS (\$2,000,000.00) (PUBLIC WORKS DEPARTMENT - DANGEROUS CONDITION)

WHEREAS, Plaintiffs allege that Allen Lee's September 24, 2011 bicycle accident on Grizzly Peak Boulevard was caused by the dangerous condition of the road; and

WHEREAS, Plaintiffs Nancy Lee, Monica Lee, and Samantha Lee filed the above referenced action to recover monetary damages for Allen Lee's death; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiffs Nancy Lee's, Monica Lee's, and Samantha Lee's claim against it for the sum of Two Million Dollars and No Cents (\$2,000,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Nancy Lee, Monica Lee, and Samantha Lee v. City of Oakland, Alameda County Superior Court Case No. RG12641451, City Attorney's File No. 28903, for a sum not to exceed Two Million Dollars and No Cents (\$2,000,000.00) payable by the City of Oakland; and be it

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

FURTHER RESOLVED: That the sum of Two Million Dollars and No Cents (\$2,000,000.00) be paid to The Law Offices of Gwilliam, Ivory, Chiosso, Cavalli & Brewer, In Trust For Nancy Lee, Monica Lee, and Samantha Lee.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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