

FILED
OFFICE OF THE CITY CLERK
OAKLAND

10 OCT -7 PM 2:57

CITY OF OAKLAND



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

Office of the City Attorney
John Russo
City Attorney

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

October 19, 2010

HONORABLE CITY COUNCIL
Oakland, California


**Subject: Nicole White, Patricia Wilson v. City of Oakland, et al.
United States District Court Case No. C09-05743 WHA
City Attorney File No. 27195 (OPD)**

President Brunner 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. The Office of the City Attorney recommends settlement of the above case for the sum of One Million Two Hundred Forty-Five Thousand Dollars and No Cents (\$1,245,000.00) made payable as follows: Three Hundred Twenty Thousand Dollars and No Cents (\$320,000.00) made payable to Settlement Professionals, Inc. in trust for Plaintiff Nicole White and John L. Burris, her attorney; Eight Hundred Eighty Thousand Dollars and No Cents (\$880,000.00) made payable to Nicole White and John L. Burris, her attorney; and Forty-Five Thousand Dollars and No Cents (\$45,000.00) made payable to Plaintiff Patricia Wilson and John L. Burris, her attorney. All monies paid to Nicole White, less reasonable attorney fees and costs, will be paid into a special needs trust administrated by a professional trustee, for the benefit of Nicole White.

This action arises from an October 31, 2008 incident in which both plaintiffs were injured by burns caused by the explosion of a distractionary device deployed by City employees. This matter was approved in the October 5, 2010 closed session.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned: Randolph W. Hall
Doc No. 705061

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2010 OCT -7 PM 3:05

RESOLUTION NO. _____ C.M.S.

RWH: ssl

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF NICOLE WHITE, PATRICIA WILSON v. CITY OF OAKLAND, ET AL. UNITED STATES DISTRICT COURT CASE NO. C09-05743 WHA, CITY ATTORNEY'S FILE NO. 27195, IN THE AMOUNT OF ONE MILLION TWO HUNDRED FORTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$1,245,000.00), AS A RESULT OF AN OCTOBER 31, 2008 INCIDENT IN WHICH PLAINTIFFS WERE INJURED BY BURNS CAUSED BY THE EXPLOSION OF A DISTRACTIONARY DEVICE DEPLOYED BY CITY EMPLOYEES (OPD)

WHEREAS, on October 31, 2008, Nicole White and Patricia Wilson were injured by burns caused by the explosion of a distractionary device deployed by City of Oakland employees; and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; and

WHEREAS, the parties agree and the court has ordered that all funds payable to Nicole White shall, less her reasonable attorney fees and costs, be placed in a special needs trust for the benefit of Nicole White; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Nicole White, Patricia Wilson v. City of Oakland et al., United States District Court Case No. C09-05743 WHA, City Attorney File No. 27195, for the sum of One Million Two Hundred Forty-Five Thousand Dollars and No Cents (\$1,245,000.00) made payable as follows: Three Hundred Twenty Thousand Dollars and No Cents (\$320,000.00) made payable to Settlement Professionals, Inc. in trust for Plaintiff Nicole White and John L. Burris, her attorney; Eight Hundred Eighty Thousand Dollars and No Cents (\$880,000.00) made payable to Nicole White and John L. Burris, her attorney; and Forty-Five Thousand Dollars and No Cents (\$45,000.00) made payable to Plaintiff Patricia Wilson and John L. Burris, her attorney; 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 One Million Two Hundred Forty-Five Thousand Dollars and No Cents (\$1,245,000.00) shall be made payable as follows: Three Hundred Twenty Thousand Dollars and No Cents (\$320,000.00) made payable to Settlement Professionals, Inc. in trust for Plaintiff Nicole White and John L. Burris, her attorney; Eight Hundred Eighty Thousand Dollars and No Cents (\$880,000.00) made payable to Nicole White and John L. Burris, her attorney; and Forty-Five Thousand Dollars and No Cents (\$45,000.00) made payable to Plaintiff Patricia Wilson and John L. Burris, her attorney;

IN COUNCIL, OAKLAND, CALIFORNIA , _____, 2010

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIHGAN, NADEL, QUAN, REID and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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