

19 MAY 23 PM 3:59

CITY OF OAKLAND



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Office of the City Attorney  
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June 4, 2019

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: *Beverly Whittington Burton v. Mark Hoffmann, City of Oakland, et al.*  
Alameda County Superior Court Case No. RG17883475  
City Attorney File No. 30946  
(Oakland Fire Department – Vehicle Collision)**

President Kaplan 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 Fifty Thousand Dollars and No Cents (\$50,000.00), payable to Jeremy L. Friedman, Attorney at Law, in Trust for Beverly Whittington Burton.

Ms. Burton was travelling northbound on I-880 during the morning commute on November 23, 2015. She was stopped in heavy traffic when an SUV driven by a City employee rear-ended her sedan. Ms. Burton, who had recently undergone double knee replacement surgery, sustained an injury to her left knee, and suffered back and neck pain.

The Council authorized settlement of this case in Closed Session on Tuesday, May 21, 2019 (moved by Councilmember Lynette Gilson McElhaney and seconded by Vice Mayor Larry Reid - 8 Ayes, 0 Noes).

Respectfully submitted,

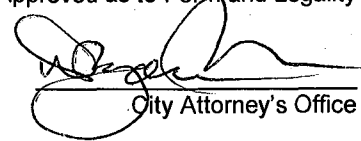
A handwritten signature in black ink, appearing to read "Barbara J. Parker".

BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
Maria Bee

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Approved as to Form and Legality



City Attorney's Office

## OAKLAND CITY COUNCIL

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

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BEVERLY WHITTINGTON BURTON v. MARK HOFFMANN, CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG17883475, IN THE AMOUNT OF FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00) (OAKLAND FIRE DEPARTMENT – VEHICLE COLLISION)**

**WHEREAS**, Beverly Whittington Burton alleges that she was travelling northbound on I-880 during the morning commute on November 23, 2015 and stopped in heavy traffic when an SUV driven by a City employee rear-ended her sedan; and

**WHEREAS**, Ms. Burton had recently undergone double knee replacement surgery, sustained an injury to her left knee, and suffered back and neck pain; and

**WHEREAS**, Ms. Burton sued the City alleging the City employee negligently operated the vehicle resulting in her injuries and has agreed to settle her lawsuit for a settlement payment of \$50,000.00; and

**WHEREAS**, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

**RESOLVED**: That the City Attorney is authorized and directed to compromise and settle the case of Beverly Whittington Burton v. Mark Hoffmann, City of Oakland, et al., Alameda County Superior Court Case No. RG17883475, City Attorney's File No. 30946, for the sum of Fifty Thousand Dollars and No Cents (\$50,000.00); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Beverly Whittington Burton and her counsel; 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California