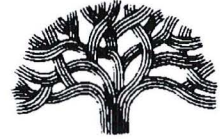


16 APR -7 PM 3:05

CITY OF OAKLAND



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

Office of the City Attorney
Barbara Parker
City Attorney

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

April 19, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: Ava Whitmire v. City of Oakland

Case No. RG13704223

City Attorney File No. 30115, (Oakland Public Works –Dangerous
Condition)

President Gibson McElhaney 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 One Hundred Thirty-Five Thousand Dollars and No Cents (\$135,000.00), payable to Ava Whitmire

This action arises out of Ms. Whitmire's injuries which she alleges that she sustained due to the condition of the City's property.

The Council authorized settlement of this case in Closed Session on Tuesday, April 5, 2016 (moved by Councilmember Gallo and seconded by Councilmember Kalb, 8 – Ayes).

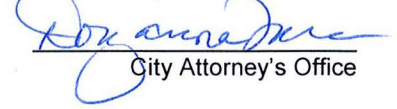
Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney assigned:
David Pereda

16 APR -7 PM 3:05


City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF AVA WHITMIRE v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13704223, CITY ATTORNEY'S FILE NO. 30115, IN THE AMOUNT OF ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$135,000.00) (OAKLAND PUBLIC WORKS - DANGEROUS CONDITION)

WHEREAS, Ava Whitmire alleges that she incurred damages as a result of an injury that she sustained due to the condition of public property; and

WHEREAS, Ava Whitmire, filed a personal-injury lawsuit against the City; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Ava Whitmire's claims against it for the sum of One Hundred Thirty-Five Thousand Dollars and No Cents (\$135,000.00) payable by the City of Oakland; now, therefore, be it

RESOLVED: That the City of Oakland is authorized and directed to compromise and settle the case of Ava Whitmire v. City of Oakland, Alameda County Superior Court Case No. RG13704223, City Attorney's File No. 30115, for a sum not to exceed One Hundred Thirty-Five Thousand Dollars and No Cents (\$135,000.00); 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 One Hundred Thirty-Five Thousand Dollars and No Cents (\$135,000.00) be paid to Ava Whitmire.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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