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CITY OF OAKLAND



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Office of the City Attorney  
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July 21, 2015

HONORABLE CITY COUNCIL  
Oakland, California

Subject: Claims of Darryl Carter II, Rasheeda Garrett, and Rasheeda Garrett as Mother and Natural Guardian of Darryl Carter III, a minor  
City Attorney File # C30136-Parks and Recreation

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 the sum of Thirty Two Thousand Five Hundred Dollars and No Cents (\$32,500.00), made payable to Daryl Carter II, Rasheeda Garrett, Rasheeda Garrett as Mother and Natural Guardian of Darryl Carter III, a minor, and their attorney Michael Singen.

This action arises out of a January 4, 2014 incident in which Arroyo Viejo Recreation Center park staff allowed the minor to leave the park unattended, causing emotional distress to him and his parents. Settlement of this matter is recommended to avoid the risk of litigation.

The Council authorized settlement of this case in Closed Session on Tuesday, July 7, 2015 (moved by Councilmember Desley Brooks and seconded by Councilmember Rebecca Kaplan – 7 Ayes, 1 Absent, Councilmember Larry Reid).

Respectfully submitted,

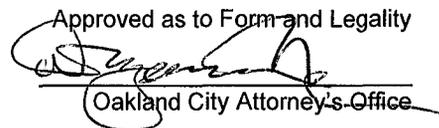
A handwritten signature in black ink, which appears to read 'Barbara J. Parker'.

BARBARA J. PARKER  
City Attorney

Attorney assigned:  
James F. Hodgkins

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Oakland City Attorney's Office

# OAKLAND CITY COUNCIL

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

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIMS OF DARRYL CARTER II, RASHEEDA GARRETT, RASHEEDA GARRETT AS MOTHER AND NATURAL GUARDIAN OF DARRYL CARTER III, A MINOR, (CLAIM NO. C30136), IN THE AMOUNT OF THIRTY TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$32,500.00) AS THE RESULT OF INJURIES SUSTAINED IN AN INCIDENT ON JANUARY 4, 2014 (PARKS AND RECREATION – MISSING CHILD)**

**WHEREAS**, claimants allege that on January 4, 2014, City recreation center staff allowed a minor to leave a park program without supervision, causing emotional distress to the parents and minor; and

**WHEREAS**, the claimants filed the above entitled claim seeking payment for said damages; 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; now therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to settle the claims of Darryl Carter II, Rasheeda Garrett, Rasheeda Garrett as Mother and Natural Guardian of Darryl Carter III, a minor, our file number C30136, in the amount of Thirty Two Thousand Five Hundred Dollars and No Cents (\$32,500.00); and be it

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

**FURTHER RESOLVED:** That the sum of Thirty Two Thousand Five Hundred Dollars and No Cents (\$32,500.00), be made payable to Darryl Carter II, Rasheeda Garrett, Rasheeda Garrett as Mother and Natural Guardian of Darryl Carter III, a minor, and their attorney Michael Singen.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, 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