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June 3, 2014

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of Devan Murphy
City Attorney File No. C29898 (Police Department-auto collision)


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 Fifteen Thousand Three Hundred Twenty Five Dollars and Six Cents (\$15,325.06) made payable to Devan Murphy and Capital One Auto financing.

This action arises out of a November 24, 2013 accident in which a City vehicle driver ran the stop sign and collided with Devan Murphy's vehicle. Settlement of this matter is recommended to avoid the risk of litigation.

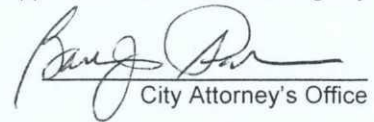
The Council authorized settlement of this case in closed session on May 20, 2014, moved by Councilmember Lynette Gibson McElhaney and seconded by Councilmember Larry Reid, 7 Ayes and 1 Absent, Councilmember Rebecca Kaplan.

Respectfully submitted,


BARBARA J. PARKER
City Attorney

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City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

BJP

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF DEVAN MURPHY AND CAPITAL ONE AUTO FINANCING, CITY ATTORNEY'S CLAIM NO. C29898, IN THE AMOUNT OF FIFTEEN THOUSAND THREE HUNDRED TWENTY FIVE DOLLARS AND SIX CENTS (\$15,325.06) PAYABLE TO DEVAN MURPHY AND CAPITAL ONE AUTO FINANCING. (POLICE DEPARTMENT – AUTO COLLISION)

WHEREAS, the claimant alleges that on November 24, 2013, a City vehicle driver ran the stop sign and collided with the claimant's vehicle, and

WHEREAS, the claimant 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 claim of Devan Murphy, our file C29898, for the sum of Fifteen Thousand Three Hundred Twenty Five Dollars and Six Cents (\$15,325.06) payable to Devan Murphy and Capital One Auto Financing; 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 Fifteen Thousand three Hundred Twenty Five Dollars and Six Cents (\$15,325.06) be made payable to Devan Murphy and Capital One Auto Financing.

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