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

Office of the City Attorney Barbara J. Parker City Attorney (510) 238-3601 FAX: (510) 238-6500

TDD: (510) 839-6451

July 17, 2012

HONORABLE CITY COUNCIL Oakland, California

Subject:

Rose Mellion, et al v. City of Oakland, et al

Alameda County Superior Court No. RG11-555270

City Attorney File No. 27659 (Public Works Agency – Tree Fell)

President Reid and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the City Attorney to compromise and settle the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the amount of Forty Five Thousand Dollars and No Cents (\$45,000.00) payable as follows: \$15,000 to Rose Mellion; \$15,000 to Felicia Williams; \$15,000 to Tanya Foster and Michael C. Cohen their attorney.

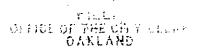
This action arises from an incident on August 14, 2009 wherein a branch from a City tree outside Plaintiffs' residence fell and struck Plaintiffs, injuring them.

Respectfully submitted,

BARBARA J. PARKER

City Attorney

Attorney Assigned: CHARLES E. VOSE Outside Counsel THOMAS GELINI



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## OAKLAND CITY COUNCIL

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	Approved as to Form and Legality

Production No.	C M C	
RESOLUTION NO	C.M.S.	
·	CEV	
TO COMPROMISE AND SETTLE AL v. CITY OF OAKLAND, ET COURT CASE NO. RG11-555270 A RESULT OF A TREE LIMB FA	ID DIRECTING THE CITY ATTORNEY THE CASE OF ROSE MELLION, ET AL, ALAMEDA COUNTY SUPERIOR , IN THE AMOUNT OF \$45,000.00 AS ALLING ON PLAINTIFFS ADJACENT AND ON AUGUST 14, 2009 (PUBLIC ON)	
	2009, Plaintiffs Rose Mellion, Felicia Williams g branch from a City of Oakland tree adjacent	
	a County Superior Court Case No. RG11- ein Plaintiffs allege that the tree constituted a nd	
WHEREAS: It is in the City possibility of an adverse jury verdict;	's best interest to settle this case to avoid the	
authorized and directed to compromise at	IT RESOLVED: That the City Attorney is not settle the case of Rose Mellion, et al v. City 27659, for the sum of Forty-Five Thousand se it	
	hat the City Attorney is further authorized and e necessary to effect said settlement; and be it	
FURTHER RESOLVED: That the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00) be payable as follows; Rose Mellion and her attorney Michael C. Cohen (\$15,000.00); Felicia Williams and her attorney Michael C. Cohen (\$15,000.00).		
IN COUNCIL, OAKLAND, CALIFORNIA, _	2012	
PASSED BY THE FOLLOWING VOTE:		
AYES – DE LA FUENTE, KERNIGHAN, NADEL, B PRESIDENT REID NOES ABSENT ABSTENTION	RUNNER, SCHAFF, BROOKS, KAPLAN and	

ATTEST:

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