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CITY OF OAKLAND



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October 7, 2014

HONORABLE CITY COUNCIL
Oakland, California

Subject: George Balsbaugh v. City of Oakland, et al.
Alameda County Superior Court Case No. RG12629027
City Attorney File No. 29789
Public Works Department – Dangerous Condition of Public Property

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 four hundred thousand dollars and no cents (\$400,000.00), payable as follows: three hundred and fourteen thousand, three hundred and seventeen dollars, and no cents (\$314,317.73) to Mutual of Omaha Structured Settlement Company (re George Balsbaugh); and that eighty-five thousand, six hundred and eighty-two dollars and twenty-seven cents (\$85,682.27) to George Balsbaugh..

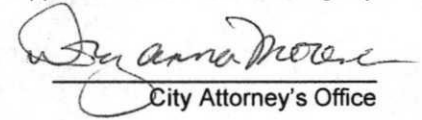
This action arises out of Mr. Balsbaugh's alleged injuries that he sustained as the result of the condition of a public sidewalk.

The Council authorized settlement of this case in Closed Session on Tuesday, July 29, 2014, moved by Councilmember Rebecca Kaplan and seconded by Councilmember Noel Gallo – 8 Ayes.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Barbara J. Parker", written over a horizontal line.

BARBARA J. PARKER
City Attorney



City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF GEORGE BALSBAUGH V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12629027, CITY ATTORNEY'S FILE NO. 28719, FOR A SUM NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS AND NO CENTS (\$400,000.00) (PUBLIC WORKS—PERSONAL INJURY LAWSUIT)

WHEREAS, George Balsbaugh alleges that he incurred damages as a result of an injury which had due to the condition of public property; and

WHEREAS, George Balsbaugh, through his guardian ad litem, filed a personal-injury lawsuit against the City; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle George Balsbaugh's claims against it for the sum of four hundred thousand dollars and no cents (\$400,000.00) 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 George Balsbaugh v. City of Oakland, Alameda County Superior Court Case No. RG12629027, City Attorney's File No. 28719, for a sum not to exceed four hundred thousand dollars and no cents (\$400,000.00); 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 three hundred and fourteen thousand, three hundred and seventeen dollars, and no cents (\$314,317.73) be paid to Mutual of Omaha Structured Settlement Company (re. George Balsbaugh) and that eighty-five thousand, six hundred and eighty-two dollars and twenty-seven cents (\$85,682.27) be paid to George Balsbaugh.

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