

14 SEP 25 PM 2:49

OAKLAND CITY COUNCIL

Resolution No. 85194 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JOHN DALTON v. CITY OF OAKLAND, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA NO. C13-0497 EDL, CITY ATTORNEY'S FILE NO. 29316 IN THE AMOUNT OF NINETY-FIVE THOUSAND DOLLARS (\$95,000.00) (PUBLIC WORKS DEPARTMENT/OFFICE OF PARKS AND RECREATION - AMERICAN DISABILITIES ACT (ADA) ACCESS

WHEREAS, Plaintiff John Dalton alleges he was denied legally compliant disabled parking and access at Lakeside Park on September 2, 2012 and September 22, 2012; and

WHEREAS, Plaintiff John Dalton filed the above-referenced action to recover monetary damages for denial of legally compliant disabled access to him; and

WHEREAS, the City Council has determined to compromise and settle Plaintiff John Dalton's claims against it for monetary damages, attorneys' fees and costs for the sum of Ninety-five Thousand Dollars and No Cents (\$95,000.00); and

WHEREAS, the City has agreed to perform injunctive relief pursuant to agreement of the parties to improve disabled access at Lakeside Park; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of John Dalton v. City of Oakland, United States District Court, Northern District of California Case No. C13-0497 EDL for a sum not to exceed Ninety-five Thousand Dollars and No Cents (\$95,000.00) payable by the City of Oakland; 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 Ninety-five Thousand Dollars and No Cents (\$95,000.00) be paid to Paul Rein in Trust for John Dalton.

IN COUNCIL, OAKLAND, CALIFORNIA,

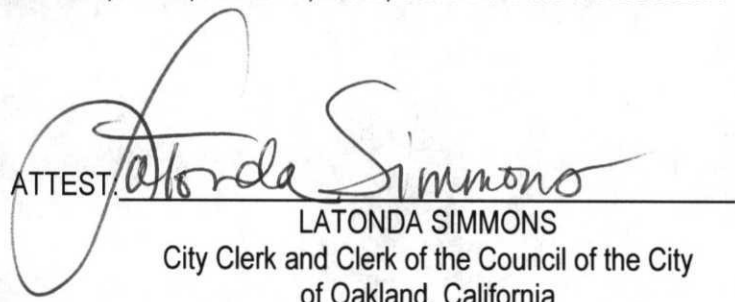
OCT 07 2014

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND PRESIDENT KERNIGHAN - 8

NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST


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