

FILED
OFFICE OF THE CITY CLERK
OAKLAND

14 SEP 25 PM 2:51

OAKLAND CITY COUNCIL

Resolution No. 85196 C.M.S.

By Anna Moore
City Attorney's Office

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,

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