

14 NOV -6 PM 12:56

CITY OF OAKLAND



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

November 18, 2014

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: State Farm General Ins. Co. v. City of Oakland**  
**Alameda County Superior Court No. RG14-733470**  
**City Attorney File No. 29441**  
**(Public Works Department – Motor Vehicle Collision -**  
**Subrogation)**

President Kernighan 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 compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Thirteen Thousand Three Hundred Twenty-Six Dollars and Ninety-Two Cents (\$13,326.92) payable to Plaintiff State Farm General Insurance Company and their attorney Geordan Goebel.

This action arises from an incident on September 28, 2012, wherein a City of Oakland vehicle was involved in an accident at 14<sup>th</sup> & Franklin Streets in Oakland. One of the vehicles involved in the accident was propelled into the business at 1407 Franklin Street, causing damage to that business.

The Council authorized settlement of this case in Closed Session on Wednesday, November 5, 2014 (moved by Councilmember Reid and seconded by Councilmember Kernighan – 7 Ayes, 1 Absent – Councilmember Gibson McElhaney).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

14 NOV -6 PM 12:56

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF STATE FARM GENERAL INS. CO. v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14-733470, IN THE AMOUNT OF THIRTEEN THOUSAND THREE HUNDRED TWENTY-SIX DOLLARS AND NINETY-TWO CENTS (\$13,326.92) AS A RESULT OF A TRAFFIC ACCIDENT ON SEPTEMBER 28, 2012 (PUBLIC WORKS DEPARTMENT- MOTOR VEHICLE COLLISION - SUBROGATION)**

**WHEREAS**, on September 28, 2012, a motor vehicle accident occurred at the intersection of 14<sup>th</sup> & Franklin Streets in Oakland involving a City of Oakland vehicle; and

**WHEREAS**, one of the vehicles involved in the accident was propelled into a business at 1407 Franklin Street; and

**WHEREAS**, Alameda County Superior Court Action RG14-733470 was filed against the City of Oakland alleging negligence; and

**WHEREAS**, in order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of State Farm General Ins. Co. v. City of Oakland, City Attorney's File No. 29441, for the sum of Thirteen Thousand Three Hundred Twenty-Six Dollars and Ninety-Two Cents (\$13,326.92); 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 Thirteen Thousand Three Hundred Twenty-Six Dollars and Ninety-Two Cents (\$13,326.92) be payable to Plaintiff State Farm General Ins. Co. and their attorney Geordan Goebel.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE.

AYES. BROOKS, KAPLAN, GALLO, KALB, GIBSON McELHANEY, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES.

ABSENT

ABSTENTION:

ATTEST: \_\_\_\_\_

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