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# CITY OF OAKLAND



15 APR -9 PM 2:45

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

Office of the City Attorney  
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April 21, 2015

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Dessie R. Nelson v. The Hartford, et al.**  
**United State District Court No. C13-04196 CRB**  
**City Attorney File No. X04018**  
**(City Administrator)**

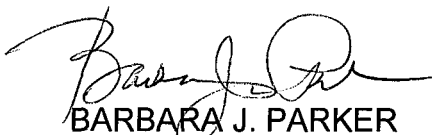
President Kernighan and Members of the City Council:

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 Seventy Thousand Dollars and No Cents (\$70,000.00) payable to Plaintiff Dessie R. Nelson and her attorney the Ukoha-Ajike Law Group.

This action arises from an incident on March 20, 2013, wherein The Hartford, at the City's direction paid death benefits from a 457 Deferred Compensation Plan to the decedent's Estate rather than the named beneficiary

The Council authorized settlement of this case in Closed Session on Tuesday, March 31, 2015 (moved by Councilmember Kaplan and seconded by Councilmember Reid - 7 Ayes, 1 Absent – Councilmember Kalb).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Outside Counsel

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City Attorney's Office

# OAKLAND CITY COUNCIL

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

JFH

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DESSIE R. NELSON V. THE HARTFORD, ET AL, UNITED STATES DISTRICT COURT CASE NO. C13-04196 CRB, IN THE AMOUNT OF SEVENTY THOUSAND DOLLARS AND NO CENTS (\$70,000.00) AS A RESULT OF FAILURE TO PROPERLY PAY DEATH BENEFITS ON OR ABOUT MARCH 20, 2013. (CITY ADMINISTRATOR)**

**WHEREAS**, Clarence James designated Dessie R. Nelson as beneficiary of his 457 Deferred Compensation Plan; and

**WHEREAS**, The Hartford was advised by the City of Oakland to pay the proceeds of Clarence James' 457 Deferred Compensation Plan to the Estate of Clarence James rather than the named beneficiary; and

**WHEREAS**, Dessie R. Nelson filed the action *Dessie R. Nelson v. The Hartford, et al.*, United States District Court Case No. C13-04196 CRB in which the City of Oakland was sued by The Hartford alleging indemnification and breach of contract; 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 Dessie R. Nelson v The Hartford, et al., City Attorney's File No. X04018, for the sum of Seventy Thousand Dollars and No Cents (\$70,000.00); 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 Seventy Thousand Dollars and No Cents (\$70,000.00) be payable to Plaintiff Dessie R. Nelson and her attorney the Ukoha-Ajike Law Group.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT GIBSON  
MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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

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