

  
City Attorney's Office

15 APR -9 PM 2:45

# OAKLAND CITY COUNCIL

RESOLUTION No. 85504 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,

APR 21 2015

PASSED BY THE FOLLOWING VOTE

AYES - ~~BECK~~ CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~ AND PRESIDENT GIBSON  
MCELHANEY - 6

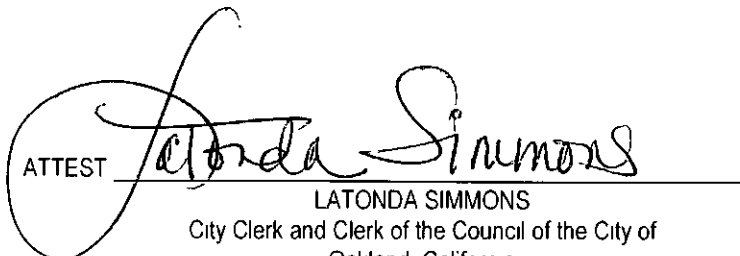
NOES - 0

ABSENT - 0

ABSTENTION - Brooks - 1

Excused - Reid - 1

ATTEST

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