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CITY OF OAKLAND



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March 15, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Trulynia Douglas v. City of Oakland, et al.*
Alameda County Superior Court No. RG13691032
City Attorney File No. 29435
(Public Works – Dangerous Condition)

President Reid and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of the resolution authorizing compromise and settlement of the above-entitled claim for the sum of Sixty Thousand Dollars and Zero Cents (\$60,000.00), to be paid to the "Law Offices of Brian Larsen and Trulynia Douglas".

This matter arises from a fatal motorcycle collision with a pedestrian refuge located near the intersection of 84th Avenue and MacArthur Boulevard on August 5, 2012. Plaintiff, the wife of the decedent, contends that the pedestrian refuge was improperly designed and/or constructed.

The Council authorized settlement of this case in Closed Session on Tuesday, March 1, 2016 (moved by Councilmember Reid and seconded by Councilmember Gallo – 6 Ayes, 1 Noe – Councilmember Brooks and 1 Absent - Councilmember Kalb).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney assigned:
Michelle M. Meyers

16 MAR -3 PM 3:43

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney's Office

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF TRULYNIA DOUGLAS V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13691032, CITY ATTORNEY'S FILE NO. 29435, IN THE AMOUNT OF SIXTY THOUSAND DOLLARS AND ZERO CENTS (\$60,000.00) (PUBLIC WORKS – DANGEROUS CONDITION)

WHEREAS, Plaintiff Trulynia Douglas alleges that her husband Andre Douglas's fatal motorcycle crash was caused by a dangerous condition near the intersection of 84th Avenue and MacArthur Boulevard;

WHEREAS, Plaintiff Trulynia Douglas filed the above referenced action to recover monetary damages for the wrongful death of her husband; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Trulynia Douglas's claim against it for the sum of Sixty Thousand Dollars and No Cents (\$60,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Trulynia Douglas v. City of Oakland, Alameda County Superior Court Case No. RG13691032, City Attorney's File No. 29435, for a sum not to exceed Sixty Thousand Dollars Dollars and No Cents (\$60,000.00) payable by the City of Oakland; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Sixty Thousand Dollars and No Cents (\$60,000.00) be payable to the "Law Offices of Brian Larsen and Trulynia Douglas".

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