

(R-2004-27)

RESOLUTION NUMBER R- 298439

ADOPTED ON SEP 29 2003

WHEREAS, in Closed Session on June 24, 2003, the City Council, by the following vote:
Yeas, 8 Districts 1, 2, 4 through 8 and Mayor Dick Murphy; Nays, 0; with District 3 absent,
approved the following; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager be
and he is hereby authorized and empowered to pay the sum of \$70,000 in the settlement of each
and every claim against the City of San Diego, its agents and employees, in Superior Court Case
No. GIC 788561, *David Oganob v. City of San Diego, et al.* arising from the personal injury
damage claim of David Oganob.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is
hereby authorized to issue two checks:

1. One check in the sum of \$24,907 made payable to **MARINA OGANOVA**
Natural Mother and Guardian Ad Litem for DAVID OGANOV, Minor, and
CATHARINE KROGER-DIAMOND; and
2. One check in the sum of \$45,093 made payable to **METROPOLITAN**
INSURANCE & ANNUITY COMPANY

in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 81140.

APPROVED:

CASEY GWINN, City Attorney

By David J. Karlin
David J. Karlin, Deputy City Attorney

DJK:dmt

08/27/03

Aud.Cert: 2400296

Or.Dept: 81140

R-2004-27

Form=claimr.frm

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

AC 2400296

ORIGINATING

DEPT. NO.: 81140

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

| ACCTG. LINE | CY PY | FUND | DEPT | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/ EQUIP | FACILITY | AMOUNT |
|--------------|-------|------|------|------|---------|-----------|-------------------|-------------|----------|--------|
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| | | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | | |

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$70,000.00

Vendor: Marina Oganova, Catherine Kroger-Diamond, Metropolitan Insurance & Annuity Company

Purpose: Authorizing the expenditure for the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the personal injury claim of David Oganov.

Date: September 10, 2003 By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

| ACCTG. LINE | CY PY | FUND | DEPT | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/ EQUIP | FACILITY | AMOUNT |
|--------------|-------|-------|-------|------|---------|-----------|-------------------|-------------|----------|-------------|
| 001 | 0 | 81140 | 81140 | 3404 | 4823 | 81141 | | | | \$70,000.00 |
| | | | | | | | | | | |
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| | | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | | \$70,000.00 |

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2400296

R-298439

SEP 29 2003