

Oakland to pay \$3.4 million settlement to boy disabled in auto accident

By Ramon Coronado
The Tribune

The city of Oakland has approved a \$3.4 million out-of-court settlement stemming from an East Oakland automobile accident that left an 8-year-old boy severely disabled.

The city became involved in a lawsuit over the 1979 accident because the driver of the car that hit Jermaine Jenkins, now 14, was uninsured and because there was no traffic light then at the 36th Avenue and Foothill Boulevard intersection.

According to the settlement, approved yesterday in Alameda County Superior Court, Jenkins will receive \$200,000 in cash and be paid \$2,000 every month for the rest of his life.

Jenkins, who now lives in San Jose with his mother, Diane Thompson, also will receive \$60,000 for medical expenses and seven lump sum payments of \$15,000 each, payable every five years.

Assistant City Attorney Ted Lakey said the city will purchase an insurance annuity to provide for the future payments,

lowering the city's actual cost of the settlement to \$550,000.

Jenkins' lawyer, R. Lewis Van Blois, said his client has learning disabilities and has lost the use of his legs and right arm as a result of the accident.

On the evening of Dec. 17, 1979, Jenkins was coming home from a corner grocery store and was crossing the intersection when he was struck by a motorist.

With Jenkins was his sister, Shonna August, now 13. Though August wasn't injured physically, she is to receive \$15,000 for

the mental distress suffered from witnessing the accident, according to the settlement.

Blois said he was prepared to prove in a trial that the city was negligent in not having a street light at the intersection.

Jayne Williams, an assistant city attorney who worked on the case, said the city installed a

traffic light a month after the accident.

"There was concern over that intersection," Williams said, noting that she knew of at least one other serious accident there.

The motorist didn't have insurance or the ability to pay for losses in the accident. He also wasn't charged criminally be-

cause there wasn't sufficient evidence, Williams said.

The city became a defendant in the case because a state law, known as the "deep pocket law," allows for government agencies to be named as defendants even though there is very little responsibility on their part, Williams said.