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7 Attorneys for Plaintiff LESLEIGH FRANKLIN

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF ALAMEDA

10 UNLIMITED CIVIL JURISDICTION

11 LESLEIGH FRANKLIN, an individual,

12 Plaintiff,

13 vs.

14 THE COUNTY OF ALAMEDA, a California
15 public entity, et al.,

16 Defendants.

Case No. RG 05 214908

**ASSIGNED FOR ALL PURPOSES TO
JUDGE KENNETH MARK BURR
DEPARTMENT 30**

**PLAINTIFF LESLEIGH FRANKLIN'S
NOTICE OF ACCEPTANCE OF
DEFENDANTS' OFFER TO
COMPROMISE**

[C.C.P. § 998]

Date Action Filed: May 26, 2005

Trial Date: **April 13, 2007**

17 TO ALL DEFENDANTS AND THEIR COUNSEL OF RECORD:

18 Plaintiff Lesleigh Franklin, ("Dr. Franklin") accepts Defendants' Offer to Compromise for
19 a payment of \$125,000 and certain other conditions as fully set forth in Exhibit A.

20 Dated: April 29, 2007

21 MOSLEY & GEARINGER LLP

22 By: 
23 BRIAN GEARINGER

24 Attorneys for Plaintiff LESLEIGH FRANKLIN

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PROOF OF SERVICE

I, Brian Gearinger, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action. My business address is 825 Van Ness Avenue, 4th Floor, San Francisco, California.

On April 29, 2007, I served the attached:

**PLAINTIFF LESLEIGH FRANKLIN'S NOTICE OF ACCEPTANCE OF
DEFENDANTS' OFFER TO COMPROMISE**

on the interested parties in said action, by placing a true copy thereof in sealed envelope(s) addressed as follows:

Defendants The County of Alameda, et al.

J. Randall Andrada, Esq.
Brendan Kenny, Esq.
Andrada & Associates
180 Grand Avenue, Suite 925
Oakland CA 94612

and served the named document in the manner indicated below:

BY MAIL: I caused true and correct copies of the above documents, by following ordinary business practices, to be placed and sealed in envelope(s) addressed to the addressee(s), at 825 Van Ness Avenue, San Francisco, California, 94109, for collection and mailing with the United States Postal Service, and in the ordinary course of business, correspondence placed for collection on a particular day is deposited with the United States Postal Service that same day.

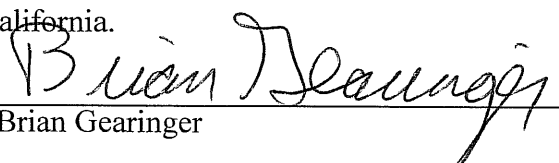
BY FACSIMILE: I caused true and correct copies of the above document(s) to be sent via facsimile to the addressee(s) on this date. The facsimile machine used complies with California Rule of Court 2003(3) and no error was reported by the sending facsimile machine. The transmission record for this facsimile complies with California Rule of Court 2003(6).

BY HAND DELIVERY: I caused true and correct copies of the above document(s) to be placed within a sealed envelope or other package suitable for handling by a messenger or courier service and then caused the package to be hand-delivered by a same-day messenger service to the addressee(s) on this date.

BY NEXT-DAY OVERNIGHT SERVICE: I caused true and correct copies of the above document(s) to be placed within a sealed envelope or other package suitable for overnight shipment, addressed to the addressee(s) and including this firm's return address, and delivered on the date stated above to an overnight delivery service for delivery to the addressee(s) on the following business day.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed April 29, 2007, at San Francisco, California.



Brian Gearinger

EXHIBIT A

1 J. RANDALL ANDRADA (SBN 70000)
BRENDAN KENNY (SBN 237969)
2 **ANDRADA & ASSOCIATES**
Professional Corporation
3 180 Grand Avenue, Suite 925
Oakland, California 94612
4 Tel.: (510) 287-4160
Fax: (510) 287-4161

5 Attorneys for Defendants COUNTY OF ALAMEDA,
6 SHALINI DAYAL, MILIANNE CHIN, SERGEANT
7 KAY WHITEHOUSE, LIEUTENANT ROGER POWER,
LIEUTENANT DALE AMARAL, CAPTAIN
8 GREGORY AHERN, and SHERIFF CHARLES PLUMMER

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF ALAMEDA
11 UNLIMITED CIVIL JURISDICTION

12 LESLEIGH FRANKLIN, an individual,
13 Plaintiff,
14 v.
15 THE COUNTY OF ALAMEDA, et al.,
16 Defendants.

Case No.: RG 05 214908

ASSIGNED FOR ALL PURPOSES TO
JUDGE KENNETH MARK BURR
DEPARTMENT 30

CCP §998 OFFER TO COMPROMISE

Action Filed: May 26, 2005
Trial Date: April 13, 2007

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19 In full settlement of this action, defendants COUNTY OF ALAMEDA, SHALINI DAYAL,
20 MILIANNE CHIN, SERGEANT KAY WHITEHOUSE, LIEUTENANT ROGER POWER,
21 LIEUTENANT DALE AMARAL, CAPTAIN GREGORY AHERN, and SHERIFF CHARLES
22 PLUMMER (hereinafter "COUNTY") hereby offer to pay plaintiff LESLEIGH FRANKLIN One
23 Hundred Twenty-five Thousand Dollars (\$125,000.00) in exchange for each and all of the following:

- 24 1. The entry of a Request for Dismissal with prejudice on behalf of plaintiff in favor of
25 defendants COUNTY in the above-captioned action;
- 26 2. The execution of and transmittal of a General Release by plaintiff of all claims against
27 defendants COUNTY;

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1 3. An agreement that each party is to bear his or her or its own respective costs and attorney's
2 fees.

3 This offer is made under the holding of *Goodstein v. Bank of San Pedro* (1994) 27 Cal.
4 App.4th 899 and is not an offer to have judgment taken against defendants COUNTY. This Offer of
5 Compromise must be accepted prior to commencement of trial or within 30 days after it is made,
6 whichever occurs first, otherwise it is withdrawn. This Offer of Compromise is made for the purpose
7 of settlement of a disputed claim and does not constitute any admission of liability, fault, injury or
8 damages.

9 If this Offer of Compromise is not accepted and if Plaintiff LESLEIGH FRANKLIN fails to
10 obtain a more favorable judgment, defendants COUNTY shall request that plaintiff LESLEIGH
11 FRANKLIN pay attorneys' fees and costs pursuant to California Code of Civil Procedure section
12 998. Defendants COUNTY will also seek any and all other benefits/rights provided by law.

14 Dated: April 3, 2007.

ANDRADA & ASSOCIATES

15
16 By 
17 BRENDAN KENNY
18 Attorneys for Defendants
19 COUNTY OF ALAMEDA, SHALINI
20 DAYAL, MILIANNE CHIN, SERGEANT
21 KAY WHITEHOUSE, LIEUTENANT
22 ROGER POWER, LIEUTENANT DALE
23 AMARAL, CAPTAIN GREGORY
24 AHERN, and SHERIFF CHARLES
25 PLUMMER
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PROOF OF SERVICE

Lesleigh Franklin v. Alameda County, et al.
Alameda County Superior Court Case No. RG 05 214908

I, the undersigned, declare that I am over the age of 18 years and not a party to the within action; that my business address is 180 Grand Avenue, Suite 925, Oakland, California; and that on 4/3/2007, I served a true copy of the foregoing document(s) entitled:

CCP §998 OFFER TO COMPROMISE

on the parties in this action by placing a true copy thereof in a sealed envelope addressed as follows:

Brian Gearinger, Esq.
Stephen Henry, Esq.
Mark Mosley, Esq.
MOSLEY & GEARINGER
825 Van Ness Avenue, 4th Floor
San Francisco, CA 94109-7837
Tel: (415) 440-3102 / Fax: (415) 440-3103

Attorneys for Plaintiff
LESLEIGH FRANKLIN

(By Mail) I caused each envelope with postage fully prepaid to be placed for collection and mailing following the ordinary business practices of Andrada & Associates.

(By Hand) I caused each envelope to be delivered by hand to the person(s) listed above.

(By Telecopy) I caused each document to be sent by fax to the fax as indicated above.

(By Overnight Delivery) I caused each envelope to be delivered by overnight delivery to the person(s) indicated above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 4/3/2007, at Oakland, California.


LILIAN ROBERTS