

CITY OF OAKLAND



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Office of the City Attorney  
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City Attorney

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December 2, 2003

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: *Jean E. Newton v. City of Oakland, et al***  
**Alameda County Superior Court Case No. 2-064323**  
**Our File No. 22310 – Office of Public Works**  
**Trip & Fall/Dangerous Condition of Public Property**

Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled matter arising from an incident on September 11, 2001, in which plaintiff tripped on cracked pavement in the crosswalk at the intersection of MacArthur Boulevard and Webster Street and fell to the ground.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of Six Thousand Dollars and No Cents (\$6,000), to be made payable to Jean E. Newton and William L. Berg, Esq., her attorney of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Peter Hallifax  
311737

10.5CC  
ORA/COUNCIL  
DEC 02 2003

OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

CC 10-1-31 12:37



PH/aah

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JEAN E. NEWTON v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. 2-064323, OUR FILE NO. 22310, IN THE AMOUNT OF \$6,000.00. (OFFICE OF PUBLIC WORKS)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Jean E. Newton v. City of Oakland, et al., Alameda County Superior Court Case No. 2-064323, City Attorney's File No. 22310, for a sum not to exceed a total of Six Thousand Dollars and No Cents (\$6,000.00) payable by the City of Oakland to Jean E. Newton and William L. Berg, Esq., her attorney of record.

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

**FURTHER RESOLVED:** That the sum of Six Thousand Dollars and No Cents (\$6,000.00) be paid to Jean E. Newton and William L. Berg, Esq., her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

311750

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DEC 02 2003