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CITY OF OAKLAND



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Office of the City Attorney
Barbara Parker
Acting City Attorney

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July 5, 2011

HONORABLE CITY COUNCIL
Oakland, California

President Reid and Members of the City Council:

Subject: Rosemary Hardy, et al. v. City of Oakland
Alameda County Superior Court Case No. RG10531620
Our Matter No. 27714 (Public Works Agency)

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action for the sum of Thirty Thousand Dollars (\$ 30,000), payable to Rosemary Hardy and David Sheretz and their attorney, Richard Minkoff.

This action arises out of a bicycle accident on Claremont Boulevard on September 5, 2009 which, it is alleged, was caused by a dangerous condition of public property. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This matter was heard in closed session on June 7, 2011.

Respectfully submitted,

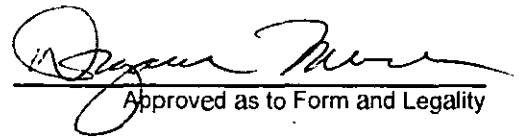
A handwritten signature in black ink, which appears to read 'Barbara Parker', written over a circular stamp or mark.

BARBARA PARKER
Acting City Attorney

Attorney assigned:
William E. Simmons

Doc. No.: 812535

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Approved as to Form and Legality

OAKLAND CITY COUNCIL

2011 SEP 23 PM 12:45

RESOLUTION NO. _____ C.M.S.

WES: csa

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ROSEMARY HARDY AND DAVID SHERERTZ v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10531620, CITY ATTORNEY'S FILE NO. 27714, IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00). (PWA)

WHEREAS, on September 5, 2009 Plaintiff Rosemary Hardy was involved in a bicycle accident on Claremont Boulevard and suffered personal injuries and has filed a lawsuit alleging that a dangerous condition of public property caused the accident, and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; and now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of Rosemary Hardy and David Sherertz v. City of Oakland, Alameda County Superior Court Case No. RG10531620, City Attorney File No. 27714, for the sum of Thirty Thousand Dollars (\$30,000.00), payable to Rosemary Hardy and David Sherertz and their attorney, Richard Minkoff;; and be it

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

FURTHER RESOLVED: that the sum of Thirty Thousand Dollars (\$30,000.00) be made payable to Rosemary Hardy and David Sherertz and their attorney, Richard Minkoff

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the
Council of the City of Oakland, California