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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 87099 - C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JAMES PRATOR V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT NO. RG15792210 IN THE AMOUNT OF NINE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$900,000.00), AS A RESULT OF MULTIPLE SEVERE INJURIES ARISING FROM A TRIP AND FALL ON A SECTION OF UPLIFTED SIDEWALK OCCURRING ON JANUARY 29, 2015 (OAKLAND DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION)

WHEREAS, James Prator tripped and fell over a section of uplifted sidewalk on 6th Street near the Oakland City Jail on January 29, 2015; and

WHEREAS, Mr. James Prator allegedly sustained severe injuries to his right leg requiring surgery, as a result of this trip and fall; and

WHEREAS, At the time of the incident Mr. James Prator also suffered from significant serious pre-existing medical conditions, which were allegedly exacerbated by this trip and fall, and which ultimately resulted in the partial amputation of his left leg; and

WHEREAS, Alameda County Superior Court Action RG15792210 was filed against the City of Oakland alleging existence of a dangerous condition; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Mr. James Prator's claim against it for the sum of Nine Hundred Thousand Dollars and No Cents (\$900,000.00); now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of James Prator v. City of Oakland, et al., Alameda County Superior Court No. RG15792210 for the sum of Nine Hundred Thousand Dollars and No Cents (\$900,000.00); 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.

IN COUNCIL, OAKLAND, CALIFORNIA

MAR 20 2018

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN, AND PRESIDENT REID — 8

NOES: 0

ABSENT: 0

ABSTENTION: 0

ATTEST:



LATONDA SIMMONS

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