

2012 JUL -5 PM 5:13

CITY OF OAKLAND



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Office of the City Attorney  
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July 17, 2012

HONORABLE CITY COUNCIL  
Oakland, California

Subject: Claud Thomas v. City of Oakland  
Alameda County Superior Court No. **RG11-566927**  
City Attorney File No. 28079 (Parks & Recreation – Fall at Park)

President Reid and Members of the City Council:

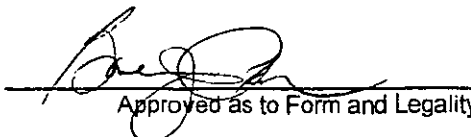
Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the City Attorney to compromise and settle the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Eight Thousand Dollars and No Cents (\$8,000.00) payable to Plaintiff Claud Thomas and T. Troy Otus, his attorney.

This action arises from an accident on April 5, 2010. Mr. Thomas was injured when he leaned against a railing in Arroyo Viejo Park that gave way, causing Mr. Thomas to fall. Mr. Thomas sustained injuries as a result of this incident resulting in medical treatment and claims for pain and suffering.

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
CHARLES E. VOSE

  
Approved as to Form and Legality

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**OAKLAND CITY COUNCIL**

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

CEV

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CLAUD THOMAS v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11-566927, IN THE AMOUNT OF \$8,000.00 AS A RESULT OF A FALL AT THE ARROYO VIEJO COMMUNITY PARK IN OAKLAND ON APRIL 5, 2010 (PARKS & RECREATION – DANGEROUS CONDITION OF PUBLIC PROPERTY)**

**WHEREAS:** Plaintiff Claud Thomas fell at the Arroyo Viejo Community Park on April 5, 2010; and

**WHEREAS:** That Alameda County Superior Court Case No. RG11-566927 resulted from this incident wherein Plaintiff alleges that the railing where he leaned against and fell constituted a dangerous condition of public property causing him to sustain injuries; and

**WHEREAS:** It is in the City's best interest to settle this case to avoid the possibility of an adverse jury verdict;

**NOW, THEREFORE, BE IT RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Claud Thomas v. City of Oakland, City Attorney's File No. 28079, for the sum of Eight Thousand Dollars and No Cents (\$8,000.00); 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; and be it

**FURTHER RESOLVED:** That the sum of Eight Thousand Dollars and No Cents (\$8,000.00) be payable to Plaintiff Claud Thomas and T. Troy Otus, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2012

PASSED BY THE FOLLOWING VOTE:

- AYES- DE LA FUENTE, KERNIHGAN, NADEL, BRUNNER, SCHAFF, BROOKS, KAPLAN and PRESIDENT REID
- NOES-
- ABSENT-
- ABSTENTION-

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California