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12 JAN -5 PM 14:01

CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

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January 17, 2012

HONORABLE CITY COUNCIL
Oakland, California

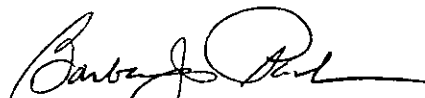
Subject: Bonnie Ayrault v. City of Oakland
Alameda County Superior Court No. RG11-555472
City Attorney File No. 27257 (OPW – slip and fall)

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 compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of One Hundred Forty-Two Thousand Dollars and No Cents (\$142,000.00) payable to Plaintiff Bonnie Ayrault and her attorney, Richard Meier.

This action arises out of an accident on January 17, 2009 at 16th Street near the intersection of Telegraph Avenue. Ms. Ayrault alleges she fell into a pothole and injured herself. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This matter was heard in closed session on December 20, 2011.

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
James F. Hodgkins

12 JAN -5 PM 4:01

James F. Hodgson
Approved as to Form and Legality

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

JFH
JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BONNIE AYRAULT v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11-555472 IN THE AMOUNT OF \$142,000.00 AS A RESULT OF A TRIP AND FALL ACCIDENT ON 16th STREET & TELEGRAPH AVENUE. (OFFICE OF PUBLIC WORKS - OPW)

WHEREAS, on January 17, 2009, Plaintiff Bonnie Ayrault fell into a pothole 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 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 compromise and settle the case of Bonnie Ayrault v. City of Oakland, Alameda County Superior Court Case No. RG11-555472, City Attorney's File No. 27275, for the sum of One Hundred Forty-Two Thousand Dollars and No Cents (\$142,000.00); 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 One Hundred Forty-Two Thousand Dollars and No Cents (\$142,000.00) be payable to Plaintiff Bonnie Ayrault and Richard W. Meier, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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