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16 MAY 19 AM 11:55

CITY OF OAKLAND



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

Office of the City Attorney
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City Attorney

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June 7, 2016

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Patricia Wright v. City of Oakland
Alameda County Superior Court No. RG13-704223
City Attorney File No. 29498
(Public Works – Dangerous Condition)**

President Gibson-McElhaney and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the 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 Eleven Thousand Five Hundred Dollars and No Cents (\$11,500.00) payable to Plaintiff Patricia Wright and her attorney Michael C. Cohen. The adjacent property owner is contributing an additional Ten Thousand Dollars (\$10,000.00) for a total settlement of \$21,500.00.

This action arises from an incident on September 5, 2012, wherein Ms. Wright tripped and fell on a City sidewalk adjacent to 3719 West Street in Oakland. Ms. Wright suffered injuries, including a fractured toe and injuries to her knee, shoulder, ankle, foot and hand, all requiring medical treatment.

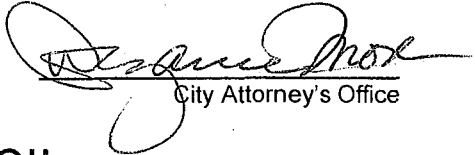
The Council authorized settlement of this case in Closed Session on Tuesday, May 17, 2016 (moved by Councilmember Larry Reid and seconded by Councilmember Rebecca Kaplan – 7 Ayes, 1 Absent – Councilmember Annie Campbell-Washington).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
Charles E. Vose

1894787


City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PATRICIA WRIGHT v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13-704223, IN THE AMOUNT OF ELEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$11,500.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON SEPTEMBER 5, 2012 (PUBLIC WORKS - DANGEROUS CONDITION)

WHEREAS, Patricia Wright was injured when she tripped and fell on a City sidewalk adjacent to 3719 West Street in the City of Oakland on September 5, 2012; and

WHEREAS, Ms. Wright sustained injuries requiring medical treatment as a result of this accident; and

~~**WHEREAS**, Alameda County Superior Court Action RG13-704223 was filed against the City of Oakland alleging a dangerous condition of public property; and~~

WHEREAS, in order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Patricia Wright v. City of Oakland, RG13-704223, City Attorney's File No. 29498, for the sum of Eleven Thousand Five Hundred Dollars and No Cents (\$11,500.00); 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 Eleven Thousand Five Hundred Dollars and No Cents (\$11,500.00) be payable to Plaintiff Patricia Wright and her attorney Michael Cohen.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

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

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____

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