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Office of the City Attorney
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July 2, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Brandy Mabry v. City of Oakland, et al
Alameda County Superior Court Case No. RG12616548
City Attorney File No. 28551 (Public Works Agency – Trip and Fall)


President Kernighan 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 for the sum of Twenty-Eight Thousand, Five Hundred Dollars and No Cents (\$28,500.00), payable to plaintiff Brandy Mabry and her attorney David G. Smith.

This action arises out of a January 10, 2011 incident in which Plaintiff Brandy Mabry tripped and fell on a City sidewalk adjacent to 3331 Lakeshore Avenue.

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 21, 2013.

Respectfully submitted,


BARBARA PARKER
City Attorney

Attorney assigned:
Carolyn O. Tsai

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Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

COT:lbg

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BRENDY MABRY v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12616548, CITY ATTORNEY'S FILE NO. 28551, IN THE AMOUNT OF TWENTY-EIGHT THOUSAND, FIVE HUNDRED DOLLARS AND NO CENTS (\$28,500.00) (PUBLIC WORKS AGENCY – TRIP AND FALL)

WHEREAS, on January 10, 2011, Plaintiff Brendy Mabry suffered personal injuries when she tripped and fell adjacent to 3331 Lakeshore Avenue; and

WHEREAS, the Plaintiff filed the above entitled lawsuit seeking damages for said injuries; 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; now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of Brendy Mabry v. City of Oakland, et al. Alameda County Superior Court Case No. RG12616548, City Attorney File No. 28551, for the sum of Twenty-Eight Thousand, Five Hundred Dollars and No Cents (\$28,500.00) payable to plaintiff Brendy Mabry and her attorney of record David G. Smith; 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 Twenty-Eight Thousand, Five Hundred Dollars and No Cents (\$28,500.00) be made payable to plaintiff Brendy Mabry and her attorney of record David G. Smith.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, SCHAAF, REID AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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