

12 JUN -6 PM 2:11

CITY OF OAKLAND



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

Office of the City Attorney
Barbara J. Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TTY/DD: (510) 238-3254
(510) 238-3815

June 19, 2012

HONORABLE CITY COUNCIL
Oakland, California

Subject: Aretha Thomas v. City of Oakland, et al.
Alameda County Superior Court No. RG10540748
Our File No. 27707(PUBLIC WORKS AGENCY –
TRIP 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 for the sum of **One Hundred Thousand Dollars and No Cents (\$100,000.00)** payable to Aretha Thomas and The Hassell Law Group, her attorney.

This action arose when Plaintiff Aretha Thomas stepped into an unguarded hole in the sidewalk on **November 22, 2009**. 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 5, 2012**.

Respectfully submitted,

A handwritten signature in black ink that reads "Barbara J. Parker" with a stylized flourish at the end.

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Arlene M. Rosen

12 JUN -6 PM 2: 11

RWH
Approved as to Form and Legality

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ARETHA THOMAS v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10540748 IN THE AMOUNT OF \$100,000.00 (PUBLIC WORKS AGENCY – TRIP AND FALL)

WHEREAS: Plaintiff Aretha Thomas fell in an uncovered hole in the sidewalk in front of 2865 Broadway, causing her serious physical injury;

WHEREAS: Plaintiff Aretha Thomas filed the above-referenced action for recovery of damages for injuries sustained as a result of said fall;

WHEREAS: The City has determined to compromise and settle Plaintiff's claims against it for the sum of One Hundred Thousand Dollars and no Cents (\$100,000.00);

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Thomas v. City of Oakland, et al, Alameda County Superior Court No. RG10540748, City Attorney's File No. 27707, for a sum not to exceed One Hundred Thousand Dollars and no Cents (\$100,000.00), payable by the City of Oakland.

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 Thousand Dollars and no Cents (\$100,000.00), be paid to Aretha Thomas and The Hassell Law Group, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES-

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS

**CITY CLERK AND CLERK OF THE
COUNCIL OF THE CITY OF OAKLAND**