



15 JUN 24 PM 1:30

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July 7, 2015

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Priscilla Helmes v. Douglas Parking, LLC, City of Oakland  
Alameda County Superior Court No. RG11-598739  
City Attorney File No. 28518  
(Public Works Department – Dangerous Condition/Trip & Fall)**

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 compromise and settlement of the above-entitled action in the sum of Nineteen Thousand Dollars and No Cents (\$19,000.00), payable to Plaintiff Priscilla Helmes and her attorney, Scott Dunning. The settlement is recommended to avoid the risk of a more significant adverse jury award should the matter proceed to trial.

This action arises from an incident on June 24, 2010 in which Ms. Helmes claims to have tripped and fallen on the City sidewalk at Broadway and 21<sup>st</sup> Street, allegedly suffering injuries requiring medical treatment.

The City Council authorized settlement of this case in Closed Session on Tuesday, June 16, 2015 (moved by Councilmember Gallo and seconded by Councilmember Kalb – 8 Ayes).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

  
City Attorney's Office

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

15 JUN 24 PM 1:31

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PRISCILLA HELMES v. DOUGLAS PARKING, LLC, CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11-598739, IN THE AMOUNT OF NINETEEN THOUSAND DOLLARS AND NO CENTS (\$19,000.00) (PUBLIC WORKS AGENCY – TRIP AND FALL)**

**WHEREAS**, Priscilla Helmes claims to have suffered personal injuries when she tripped and fell on a City sidewalk near the intersection of Broadway and 21<sup>st</sup> Street in the City of Oakland on June 24, 2010; and

**WHEREAS**, Ms. Helmes filed Alameda County Superior Court Case No. RG11-598739 against the City of Oakland and Douglas Parking, LLC alleging negligence and dangerous condition of public property; and

**WHEREAS**, the City has determined that settlement in the amount of Nineteen Thousand Dollars and No Cents (\$19,000.00), without an admission of liability, is in the best interests of the City under the circumstances; now therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Priscilla Helmes v. Priscilla Helmes, City of Oakland, Alameda County Superior Court Case No. RG11-598739, City Attorney's File No. 28518, for the sum of Nineteen Thousand Dollars and No Cents (\$19,000.00); 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 Nineteen Thousand Dollars and No Cents (\$19,000.00) be made payable to Plaintiff Priscilla Helmes and her attorney, Scott Dunning.

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