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Office of the City Attorney
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April 1, 2014

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Marilyn Johnson v. City of Oakland, et al.
Alameda County Superior Court No. RG11-604205
City Attorney File No. 28468 (Public Works Agency-Trip & 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. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Thirty-Six Thousand Dollars and No Cents (\$36,000.00) payable to Plaintiff Marilyn Johnson and her attorney Brian L. Larsen.

This action arises from a trip and fall on a section of upraised sidewalk near 3611 Midvale Avenue in Oakland on or about March 26, 2011.

The Council authorized settlement of this case in Closed Session on Tuesday, April 1, 2014.

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
James F. Hodgkins

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OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney's Office

RESOLUTION No. _____ C.M.S.

JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MARILYN JOHNSON v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11-604205, CITY ATTORNEY'S FILE NO. 28468 IN THE AMOUNT OF THIRTY-SIX THOUSAND DOLLARS AND NO CENTS (\$36,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT (PUBLIC WORKS AGENCY – TRIP AND FALL)

WHEREAS, on March 26, 2011 Marilyn Johnson tripped and fell on an upraised portion of sidewalk near 3611 Midvale Avenue, Oakland; and

WHEREAS, the upraised sidewalk caused Marilyn Johnson to sustain injury to her right knee; 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 Marilyn Johnson v. City of Oakland, City Attorney's File No. 28468, for the sum of Thirty-Six Thousand Dollars and No Cents (\$36,000.00); 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 Thirty-Six Thousand Dollars and No Cents (\$36,000.00) be payable to Plaintiff Marilyn Johnson and her attorney Brian L. Larsen.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES: SCHAAF, BROOKS, KAPLAN, GALLO, KALB, GIBSON McELHANEY, REID and
PRESIDENT KERNIGHAN

NOES

ABSENT

ABSTENTION:

ATTEST: _____

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