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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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May 6, 2008

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Regina Davis v. City of Oakland*
Alameda County Superior Court Case No. RG07310157
File No. 254458 – Office of Public Works –
Premises Liability – Personal Injury

President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends adoption of a resolution authorizing compromise and settlement of the plaintiff's claims in the above-entitled lawsuit for the Thirty Thousand Dollars (\$30,000.00) to be made payable to plaintiff Regina Davis and Hermin Dowe, Esq., her attorney.

This action arises out of large tree limb breaking off and causing injury to plaintiff on May 16, 2006. The settlement is recommended to avoid the risk of an adverse trial result and potentially greater economic exposure for the City.

Respectfully submitted,

JOHN A. RUSSO
City Attorney

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OFFICE OF THE CITY CLERK
OAKLAND

2008 APR 23 4:10 PM
OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

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RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF REGINA DAVIS v. CITY OF OAKLAND, SUPERIOR COURT, COUNTY OF ALAMEDA, CASE NO. RG0731057, IN THE AMOUNT OF \$30,000.00 AS A RESULT OF A TREE LIMB FAILING AND CAUSING PERSONAL INJURY (PUBLIC WORKS AGENCY – PREMISES LIABILITY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Regina Davis v. City of Oakland, et al., City Attorney's File No. 25458, for the sum of Thirty Thousand Dollars and No Cents (\$30,000.00); 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 Thousand Dollars and No Cents (\$30,000.00) be payable to Regina Davis and Hermin Dowe, Esq., her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA.

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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