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CITY OF OAKLAND



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November 29, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Frances Mitchell v. City of Oakland, et al.*
Alameda County Superior Court No. RG15776510
City Attorney File No. 30551
(Oakland Public Works – Dangerous Condition)


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 the resolution authorizing compromise and settlement of the above-entitled claim for the sum of Thirty-Nine Thousand Three Hundred and Seventy Five Dollars and Zero Cents (\$39,375.00).

This case arises from a dangerous condition claim by Plaintiff Frances Mitchell. On October 16, 2014, Ms. Mitchell tripped and fell on a missing portion of sidewalk near the corner of Peralta and 13th Streets.

The Council authorized settlement of this case in Closed Session on Tuesday, November 1, 2016 (moved by Councilmember Rebecca Kaplan and seconded by Councilmember Larry Reid – 8 Ayes).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
Michelle M. Meyers


City Attorney's Office

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF *FRANCES MITCHELL V. CITY OF OAKLAND*, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15776510, CITY ATTORNEY'S FILE NO. 30551, IN THE AMOUNT OF THIRTY-NINE THOUSAND THREE HUNDRED AND SEVENTY FIVE DOLLARS AND ZERO CENTS (\$39,375.00) (OAKLAND PUBLIC WORKS – DANGEROUS CONDITION)

WHEREAS, Plaintiff Frances Mitchell alleges that she sustained injuries resulting from a trip and fall over a crack/missing portion of sidewalk near the corner of Peralta and 13th Streets on October 16, 2014; and

WHEREAS, Plaintiff filed the above-referenced action to recover monetary damages; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff's claims against it for the sum of Thirty-Nine Thousand Three Hundred and Seventy-Five Dollars and No Cents (\$39,375.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Frances Mitchell v. City of Oakland, et al.* Alameda County Superior Court Case No. RG15776510, City Attorney's File No. 30551, for a sum not to exceed Thirty-Nine Thousand Three Hundred and Seventy-Five Dollars and No Cents (\$39,375.00) payable by the City of Oakland; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement.

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