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CITY OF OAKLAND



13 OCT 17 PM 3:08

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

Office of the City Attorney
Barbara Parker
City Attorney

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November 5, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Johnson v. City of Oakland
Alameda County Superior Court Case No. RG12653800
City Attorney File No. 29168
(Public Works Department - Trip and 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 claim for the sum of Seventy Thousand Dollars and no Cents (\$70,000.00), payable to Forrestine Johnson and Weltin, Streb & Weltin LLP, her attorneys.

This action arises out of the above-referenced action, in which Plaintiff Forrestine Johnson alleges she fell on an uneven City sidewalk in front of 1026 - 54th Street on July 14, 2014. This matter was heard in closed session on Tuesday, October 15, 2013.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney assigned:
Arlene M. Rosen

Barbara J. Tanks
City Attorney's Office

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OAKLAND CITY COUNCIL

13 OCT 17 PM 3:08 Resolution No. _____ C.M.S.

AXR:dw

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JOHNSON V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT, CASE NO. RG12653800 CITY ATTORNEY'S FILE NO. 29168, IN THE AMOUNT OF SEVENTY THOUSAND DOLLARS (\$70,000.00) (PUBLIC WORKS DEPARTMENT – TRIP AND FALL)

WHEREAS, Plaintiff Forrestine Johnson alleges she was injured when she tripped and fell on a City sidewalk made uneven by the roots of a City tree in front of 1026 54th Street on July 14, 2012; and

WHEREAS, Plaintiff Forrestine Johnson filed the above referenced action to recover monetary damages for her injuries; and

WHEREAS, The City has determined to compromise and settle Plaintiff Forrestine Johnson's claim against it for the sum of **Seventy Thousand Dollars and No Cents (\$70,000.00)**; now, therefore, be it

RESOLVED, That the City Attorney is authorized and directed to compromise and settle the case of Forrestine Johnson v. City of Oakland, et al., Alameda County Superior Court No. RG12653800, City Attorney's File No. 29168 for a sum not to exceed **Seventy Thousand Dollars and No Cents (\$70,000.00)** payable by the City of Oakland; and be it

FURTHER RESOLVED, That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement; and be it

FURTHER RESOLVED, That the sum of **Seventy Thousand Dollars and No Cents (\$70,000.00)** be paid to Forrestine Johnson and Weltin, Streb & Weltin LLP, her attorneys.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN

NOES -
ABSENT -
ABSTENTION -

ATTEST:

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