

[Signature]
Office of the City Attorney

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OAKLAND

13 SEP -5 PM 1:42

OAKLAND CITY COUNCIL

RESOLUTION NO. 84619 C.M.S.

JFH:ah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DENISE DAVIS v. JURIJ & LIDIA STRUTYNSKY, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12-621529, IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS AND NO CENTS (\$200,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON OR ABOUT SEPTEMBER 2, 2012 (PUBLIC WORKS AGENCY – TRIP AND FALL)

WHEREAS, On or about September 2, 2012, Denise Davis tripped and fell on a portion of upheaved sidewalk located in front of 4042 Lyman Road, Oakland; and

WHEREAS, Alameda County Superior Court Case No. RG12-621529 resulted from this incident; and

WHEREAS, It is in the City's best interest to settle this case to avoid the possibility of an adverse jury verdict; and

NOW, THEREFORE, BE IT RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Denise Davis v. Juhj & Lidia Strutynsky, Alameda County Superior Court Case Number RG12-621529, City Attorney's Office File No. X03844, for the sum of Two Hundred Thousand Dollars and No Cents (\$200,000.00); 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 Two Hundred Thousand Dollars and No Cents (\$200,000.00) be payable to Plaintiff Denise Davis and John D. Winer, Esquire, his attorney.

SEP 17 2013

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, ~~WINE~~, SCHAAF, AND PRESIDENT KERNIGHAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

ATTEST

[Signature: Latonda Simmons]
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California