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CITY OF OAKLAND



11 JUN 23 AM 10:38

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

Office of the City Attorney
Barbara J. Parker
Acting City Attorney

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July 5, 2011

HONORABLE CITY COUNCIL
Oakland, California


Subject: Shanks v. City of Oakland, et al.
Alameda County Superior Court No. RG10525839
Our File No. 27767 (PUBLIC WORKS AGENCY – TRIP AND FALL)

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 a resolution authorizing compromise and settlement of the above-entitled action for the sum of Eighty Thousand Dollars and No Cents (\$80,000.00) payable to Plaintiff Dorothy Shanks and her attorney, Robbins, Fettner & LemMon.

This action arises out of a trip and fall on a cracked and uneven sidewalk in front of 9859 Elmar Avenue on January 30, 2010. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This matter was heard in closed session on June 14, 2011.

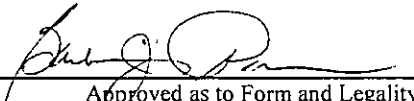
Respectfully submitted,


BARBARA J. PARKER
Acting City Attorney

Attorney Assigned:
Arlene M. Rosen

816888

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OAKLAND, CALIFORNIA


Approved as to Form and Legality

2011 JUN 23 PM 12:45

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SHANKS V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10525839 IN THE AMOUNT OF \$80,000.00 (PUBLIC WORKS AGENCY – TRIP AND FALL)

WHEREAS: Plaintiff Dorothy Shanks fell on an uneven sidewalk in front of 9859 Elmar Avenue, causing her serious physical injury;

WHEREAS: The City has determined to compromise and settle Plaintiff Dorothy Shanks' claim against it for the sum of Eighty Thousand Dollars and no Cents (\$80,000.00);

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Shanks v. City of Oakland, Alameda County Superior Court No. RG10525839, City Attorney's File No. 27767, for a sum not to exceed Eighty Thousand Dollars and no Cents (\$80,000.00), payable by the City of Oakland.

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 Eighty Thousand Dollars and no Cents (\$80,000.00), be paid to Dorothy Shanks and Robbins, Fettner & LemMon, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

- AYES-
- NOES-
- ABSENT-
- ABSTENTION-

ATTEST: _____
LATONDA SIMMONS

CITY CLERK AND CLERK OF THE
COUNCIL OF THE CITY OF OAKLAND