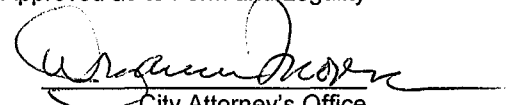


FILED
OFFICE OF THE CITY CLERK
OAKLAND


City Attorney's Office

19 FEB 21 PM 12:54

OAKLAND CITY COUNCIL

RESOLUTION NO. 87560 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF TIMOTHY O'CONNELL, ET AL. V. THE CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15769050, IN THE AMOUNT OF SEVENTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00) AS A RESULT OF A SLIP AND FALL ALLEGEDLY CAUSED BY A DANGEROUS CONDITION OF PUBLIC PROPERTY, OCCURRING ON MAY 21, 2014 (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, Timothy O'Connell alleges he was injured when he slipped and fell on a public sidewalk on May 4, 2016; and

WHEREAS, Timothy O'Connell alleges he sustained injuries and received medical treatment as a result of that incident; and

WHEREAS, Timothy O'Connell alleges he sustained wage losses as a result of that accident; and

WHEREAS, Heather O'Connell alleges she sustained loss of consortium with Timothy O'Connell as a result of that accident; and

WHEREAS, Alameda County Superior Court Action RG15769050 was filed against the City of Oakland, alleging a dangerous condition of public property; and

WHEREAS, to avoid the risk of an adverse jury verdict under the circumstances; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Timothy O'Connell, et al. v. City of Oakland, et al. Alameda County Superior Court Case No. RG15769050, City Attorney's File No. 30265, for the sum of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), payable in the amounts of Sixty-Five Thousand Dollars and Zero Cents (\$65,000.00) to Plaintiff Timothy O'Connell and Ten Thousand Dollars and Zero Cents (\$10,000.00) to Plaintiff Heather O'Connell; and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Timothy O'Connell, Heather O'Connell, and their counsel; 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **FEB 26 2019**

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, ~~REID~~, TAYLOR, THAO AND
PRESIDENT KAPLAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

excused - Reid - 1

ATTEST:



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