

11 DEC -8 PM 3: 24

*James G. Hill*  
Approved as to Form and Legality

OAKLAND CITY COUNCIL

RESOLUTION No. 83665 C.M.S.

*JFH*  
JFH

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PATRICA HARPER v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10-535800, IN THE AMOUNT OF EIGHTEEN THOUSAND DOLLARS AND NO CENTS (\$18,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON THIRD STREET NEAR ADELIN & MAGNOLIA STREET ON MAY 16, 2009 (PUBLIC WORKS AGENCY)**

**WHEREAS:** Patricia Harper was injured when she tripped and fell in an open tree well within the sidewalk; and

**WHEREAS:** Ms. Harper sustained serious injuries requiring medical treatment as a result of this accident; and

**WHEREAS:** In order 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 Patrica Harper v. City of Oakland, City Attorney's File No. 27308, for the sum of Eighteen Thousand Dollars and No Cents (\$18,000.00); 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 Eighteen Thousand Dollars and No Cents (\$18,000.00) be payable to Plaintiff Patricia Harper and Michael I. Dorshkind, her attorney.

DEC 20 2011

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

**PASSED BY THE FOLLOWING VOTE:**

AYES- DE LA FUENTE, KERNIHGAN, NADEL, BRUNNER, SCHAFF, BROOKS, KAPLAN and PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: *Latonda Simmons*  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California