

CITY OF OAKLAND



2005 DEC -7 PM 2:02

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Office of the City Attorney
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December 20, 2005

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

Subject: Luis Libran v. City of Oakland / Office of Public Works
Alameda County Superior Court Case No. RG04189172
Our File No. 23890

Pursuant to Section 401 of the Charter, the City Attorney recommends settlement of the above-entitled matter arising out of an alleged dangerous condition of a pothole in a city street. Plaintiff tripped into a pothole while in a crosswalk, and fell in the vicinity of 1300 Fruitvale Avenue on January 2, 2004. He sustained neck and back sprains.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended for the sum of Twelve Thousand Dollars (\$12,000.00), to be made payable to Mr. Luis Libran and his counsel.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John A. Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Rachel Wagner

357136

OFFICE OF THE CITY CLERK
DATE

OAKLAND CITY COUNCIL

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RESOLUTION No. _____ C.M.S.



RZW/rzw

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LUIS LIBRAN v. CITY OF OAKLAND, SUPERIOR COURT, COUNTY OF ALAMEDA, CASE NO. RG04189172, IN THE AMOUNT OF \$12,000.00 AS A RESULT OF A TRIP AND FALL ACCIDENT IN THE VICINITY OF 1300 FRUITVALE AVENUE, OAKLAND, ON January 2, 2004 (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Luis Libran v. City of Oakland, City Attorney's File No. 23890, for the sum of Twelve Thousand Dollars and No Cents (\$12,000.00) made payable to Plaintiff Luis Libran and Ira A. Freydkis., his attorney of record.

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 Twelve Thousand Dollars and No Cents (\$12,000.00) be made payable to Plaintiff Luis Libran and Ira A. Freydkis, Esq., his attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA.

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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