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CITY OF OAKLAND



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

Office of the City Attorney  
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March 20, 2018

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: James Prator v. City of Oakland, et al.**  
**Alameda County Superior Court Case No. RG15792210**  
**City Attorney File No. 30668**  
**(Department of Transportation – Dangerous Condition)**

President Reid and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the compromise and settlement of the above-entitled action in the sum of: Nine Hundred Thousand Dollars and No Cents (\$900,000.00) payable to James Prator.

This action arises from the January 29, 2015 trip and fall on a uplifted sidewalk located at 6th Street near Oakland City Jail, in which Mr. Prator suffered severe injuries, including a broken right leg and a partial amputation of his left leg; caused in part by an exacerbation of significant serious pre-existing medical conditions.

The Council authorized settlement of this case in Closed Session on Tuesday, January 16, 2018 (moved by Councilmember Noel Gallo and seconded by Councilmember Dan Kalb – 8 Ayes).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Colin T. Bowen

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Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JAMES PRATOR V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT NO. RG15792210 IN THE AMOUNT OF NINE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$900,000.00), AS A RESULT OF MULTIPLE SEVERE INJURIES ARISING FROM A TRIP AND FALL ON A SECTION OF UPLIFTED SIDEWALK OCCURRING ON JANUARY 29, 2015 (OAKLAND DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION)**

**WHEREAS**, James Prator tripped and fell over a section of uplifted sidewalk on 6<sup>th</sup> Street near the Oakland City Jail on January 29, 2015; and

**WHEREAS**, Mr. James Prator allegedly sustained severe injuries to his right leg requiring surgery, as a result of this trip and fall; and

**WHEREAS**, At the time of the incident Mr. James Prator also suffered from significant serious pre-existing medical conditions, which were allegedly exacerbated by this trip and fall, and which ultimately resulted in the partial amputation of his left leg; and

**WHEREAS**, Alameda County Superior Court Action RG15792210 was filed against the City of Oakland alleging existence of a dangerous condition; and

**WHEREAS**, without admitting fault or wrongdoing, the City has determined to compromise and settle Mr. James Prator's claim against it for the sum of Nine Hundred Thousand Dollars and No Cents (\$900,000.00); now therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of James Prator v. City of Oakland, et al., Alameda County Superior Court No. RG15792210 for the sum of Nine Hundred Thousand Dollars and No Cents (\$900,000.00); 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.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB,  
KAPLAN, AND PRESIDENT REID

NOES:

ABSENT:

ABSTENTION:

ATTEST: \_\_\_\_\_

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