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October 2, 2018

HONORABLE CITY COUNCIL
Oakland, California

Subject: Nancy McAfee, et al. v. City of Oakland
Alameda County Superior Court, Case No. RG17846121
City Attorney File No. 31322
(Department of Transportation – Trip and Fall)

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: One Million Dollars and No Cents (\$1,000,000.00) payable to Casper, Meadows, Schwartz & Cook in trust for Nancy McAfee and Archie McAfee III.

This action arises from a January 12, 2016 trip-and-fall incident on the sidewalk on the 5700 block of Dover Street. This matter was heard in closed session on Monday, September 17, 2018.

The Council authorized settlement of this case in Closed Session on Monday, September 17, 2018 (moved by Councilmember Gibson McElhaney and seconded by Councilmember Kaplan – 7 Ayes, 1 Absent (Brooks)).

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Kevin P. McLaughlin

18 SEP 20 PM 1:48

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF: NANCY MCAFFEE, ET AL. V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG17846121 IN THE AMOUNT OF ONE MILLION DOLLARS AND NO CENTS (\$1,000,000.00) ARISING FROM A JANUARY 12, 2016 TRIP-AND-FALL INCIDENT ON THE SIDEWALK ON THE 5700 BLOCK OF DOVER STREET (DEPARTMENT OF TRANSPORTATION – TRIP AND FALL)

WHEREAS, Helen McAfee allegedly tripped and fell on January 12, 2016 due to an uplifted portion of sidewalk on the 5700 block of Dover Street; and

WHEREAS, Helen McAfee allegedly suffered injury as a result of the uplifted portion of sidewalk; and

WHEREAS, Alameda County Superior Court Case No. RG17846121 was filed against the City of Oakland alleging tort claims for personal injuries; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise the claims of Nancy McAfee, Archie McAfee III, and the Estate of Helen McAfee against it for the sum of One Million Dollars and No Cents (\$1,000,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Nancy McAfee, et al. v. City of Oakland, Alameda County Superior Court No. RG17846121 for the sum of One Million Dollars and No Cents (\$1,000,000.00); 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