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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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March 1, 2011

HONORABLE CITY COUNCIL
Oakland, California

President Larry Reid and Members of the City Council

**Subject: McCabe v. City of Oakland, et al.
Alameda County Superior Court Case No. RG09489050
OCA File No. 27488**

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled case for the sum of \$12,500.00, payable to Kristine McCabe and her attorney, Joel H. Siegal, as a result of a trip and fall accident on August 13, 2009. The incident occurred in a marked crosswalk at a state highway off-ramp and co-defendant CalTrans is contributing an additional \$ 162,500 to the total settlement.

The settlement is recommended to avoid the risk of a much larger jury verdict should the matter proceed to trial. This was not a closed session item.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John A. Russo', written in a cursive style.

JOHN A. RUSSO
City Attorney

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

JAR: DK

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE MCCABE V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG09489050, OCA FILE NO. 27488, IN THE AMOUNT OF \$12,500.00, ARISING FROM TRIP AND FALL (PUBLIC WORKS)

RESOLVED: that the City Attorney is authorized and directed to compromise and settle the claim of Kristine McCabe, our file number 27488, for the sum of \$12,500.00, payable to Kristine McCabe and her attorney, Joel H. Siegal.

FURTHER RESOLVED: that the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement; and be it

FURTHER RESOLVED: that the sum of \$12,500.00 be payable to Kristine McCabe and her attorney, Joel H. Siegal.

In Council, Oakland, California, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

Attest: _____

**LaTonda Simmons
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA**