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CITY OF OAKLAND



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

Office of the City Attorney
John Russo
City Attorney

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November 9, 2010

HONORABLE CITY COUNCIL
Oakland, California

Subject: Maria Avelar v. City of Oakland
Alameda County Superior Court No. RG08-414228
City Attorney File No. 26260 (Public Works Agency)

President Brunner and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the City Attorney to compromise and settle the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) payable to Plaintiff Maria Avelar and James Bachan, her attorney. This matter was not heard in closed session.

This action arises from a trip and fall on July 4, 2007 on East 15th Street near 21st Avenue. Maria Avelar was injured when she tripped on an alleged defect in the street and fell. Ms. Avelar claims that the street was in a dangerous condition. She sustained serious injuries requiring medical treatment as a result of this accident.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
CHARLES E. VOSE

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OAKLAND CITY COUNCIL

2010 OCT 26 PM 4:18

RESOLUTION No. _____ C.M.S.

CEV

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MARIA AVELAR v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG08-414228, IN THE AMOUNT OF \$15,000.00 AS A RESULT OF AN ALLEGED DANGEROUS CONDITION OF PUBLIC PROPERTY IN THE STREET AT 15TH AVENUE AND EAST 21ST STREET JULY 4, 2007 (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Maria Avelar v. City of Oakland, City Attorney's File No. 26260, for the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00); 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 Fifteen Thousand Dollars and No Cents (\$15,000.00) be payable to Plaintiff Maria Avelar and James Bachan, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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