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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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June 16, 2015

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Elizabeth Paloma Gonzalez v. City of Oakland
Alameda Superior Court Case No. RG13677698
City Attorney File No. 29273
(Office of Public Works – Trip and Fall)**

President McElhaney 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 compromise and settlement of the above-entitled claim for the sum of Eight Thousand Dollars and no Cents (\$8,500.00), payable to Elizabeth Paloma Gonzalez and Barry D. Ammon, her attorney of record.

This action arises out of a trip and fall that occurred on July 9, 2012. Plaintiff tripped and fell on a City sidewalk at the curb of 71st Avenue and International Boulevard. She sprained her ankle and suffered a hairline fracture of her ankle, requiring medical treatment.

The Council authorized settlement of this case in Closed Session on Tuesday, June 2, 2015 (moved by Councilmember Brooks and seconded by Councilmember Kalb – 8 Ayes).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written over a horizontal line.

BARBARA J. PARKER
City Attorney

Attorney assigned:
Tracy Chriss


City Attorney's Office

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ELIZABETH PALOMA GONZALEZ V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13677698, CITY ATTORNEY'S FILE NO. 29273, IN THE AMOUNT OF EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00) (OFFICE OF PUBLIC WORKS – TRIP AND FALL)

WHEREAS, Elizabeth Paloma Gonzalez claims to have suffered personal injuries when she tripped and fell on a City sidewalk at the curb near 71st Avenue and International Boulevard in the City of Oakland on July 9, 2012; and

WHEREAS, Ms. Gonzalez filed Alameda County Superior Court Case No. RG13677698 against the City of Oakland on May 1, 2013 alleging dangerous condition of public property; and

WHEREAS, the City has determined that settlement in the amount of Eight Thousand Five Hundred Dollars and No Cents (\$8,500.00), without an admission of liability, is in the best interest of the City; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Elizabeth Paloma Gonzalez v. City of Oakland, Alameda County Superior Court Case No. RG13677698, City Attorney's File No. 29273, for the sum of Eight Thousand Five Hundred Dollars and No Cents (\$8,500.00); and be it

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

FURTHER RESOLVED: That the sum of Eight Thousand Five Hundred Dollars and No Cents (\$8,500.00) be made payable to Elizabeth Paloma Gonzalez and Barry D. Ammon, her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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