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CITY OF OAKLAND



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Office of the City Attorney
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November 3, 2015

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Chase Dickens v. City of Oakland
Alameda Superior Court Case No. RG14744830
City Attorney File No. 30211
(Public Works Department –Dangerous Condition)**

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 Forty Thousand Dollars and no Cents (\$40,000.00), payable to Chase Dickens and E. Patience Adeyanju, his attorney of record.

This action arises out of a bicycle accident that occurred on June 6, 2014 at 40th Street and Telegraph Avenue. Plaintiff alleges that a pothole caused the accident and constituted a Dangerous Condition of Public Property under § 835 of California's Government Code.

The Council authorized settlement of this case in Closed Session on Tuesday, October 20, 2015 (moved by Councilmember Noel Gallo and seconded by Councilmember Rebecca Kaplan – 8 Ayes.

Respectfully submitted,

A handwritten signature in blue ink, which appears to read "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney assigned:
Tracy Chriss

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City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CHASE DICKENS v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14744830, CITY ATTORNEY'S FILE NO. 30211, IN THE AMOUNT OF FORTY THOUSAND DOLLARS AND NO CENTS (\$40,000.00) (OFFICE OF PUBLIC WORKS – DANGEROUS CONDITION)

WHEREAS, Chase Dickens alleges that he was injured in a bicycle accident on June 6, 2014 as the result of a dangerous condition in the road at 40th Street and Telegraph Avenue; and

WHEREAS, Mr. Dickens sustained injuries requiring medical treatment as a result of this accident; and

WHEREAS, Mr. Dickens filed Alameda County Superior Court Case No. RG14744830 against the City of Oakland on October 17, 2014 alleging negligence and premises liability; and

WHEREAS, the City has determined that settlement in the amount of Forty Thousand Dollars and No Cents (\$40,000.00), 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 Chase Dickens v. City of Oakland, Alameda County Superior Court Case No. RG14744830, City Attorney's File No. 30211, for the sum of Forty Thousand Dollars and No Cents (\$40,000.00); and be it

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

FURTHER RESOLVED: That the sum of Forty Thousand Dollars and No Cents (\$40,000.00) be made payable to Chase Dickens and E. Patience Adeyanju, his attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLÉN, 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