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CITY OF OAKLAND



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December 6, 2011

HONORABLE CITY COUNCIL
Oakland, California


President Reid and Members of the City Council:

Subject: Pearl Younger v. City of Oakland
Alameda County Superior Court Case No. RG10541304
Our Matter No. 27464 (Public Works Agency-Trip and Fall)

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 action for the sum of Twenty Thousand Dollars (\$20,000), payable to Pearl Younger and her attorney, Terry Buller, Esq.

This action arises out of a trip and fall accident on the sidewalk 1787 Arthur Street on March 27, 2009 which, it is alleged, was caused by a dangerous condition of public property. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This was not a closed session item.

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney assigned:
Carolyn O. Tsai

Doc. No.: 873863

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

COT:csa

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PEARL YOUNGER v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10541304, CITY ATTORNEY'S FILE NO. 27464, IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00). (PW-TRIP AND FALL)

WHEREAS, on March 27, 2009, Plaintiff Pearl Younger tripped and fell on a sidewalk and suffered personal injuries and has filed a lawsuit alleging that a dangerous condition of public property caused the accident, and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; and now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of Pearl Younger v. City of Oakland, Alameda County Superior Court Case No. RG10541304, City Attorney File No. 27464, for the sum of Twenty Thousand Dollars (\$20,000), payable to Pearl Younger and her attorney, Terry Buller, Esq.; 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 Twenty Thousand Dollars (\$20,000), payable to Pearl Younger and her attorney, Terry Buller, Esq.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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