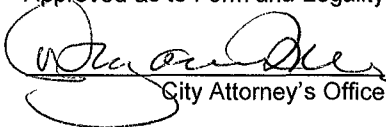


17 JAN -5 AM 11:07

Approved as to Form and Legality

City Attorney's Office

OAKLAND CITY COUNCIL

86559

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MICHELLE DIFRANCIA V. CITY OF OAKLAND, ET. AL. ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15783586, CITY ATTORNEY'S FILE NO. 30493, IN THE AMOUNT OF THIRTY-ONE THOUSAND DOLLARS AND ZERO CENTS (\$31,000.00) (OAKLAND PUBLIC WORKS - DANGEROUS CONDITION)

WHEREAS, Plaintiff Ms. DiFrancia on September 4, 2014 was walking in the crosswalk at the intersection of Franklin and 13th Streets when she tripped over an irregular asphalt patch surrounding an EBMUD utility cover; and

WHEREAS, Plaintiff filed the above-referenced action to recover monetary damages; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff's claims against it for the sum of Thirty-One Thousand Dollars and No Cents (\$31,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Michelle DiFrancia v. City of Oakland, et al.* Alameda County Superior Court Case No. RG15783586, City Attorney's File No. 30493, for a sum not to exceed Thirty-One Thousand Dollars and No Cents (\$31,000.00) payable by the City of Oakland; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,
PASSED BY THE FOLLOWING VOTE:

JAN 17 2017

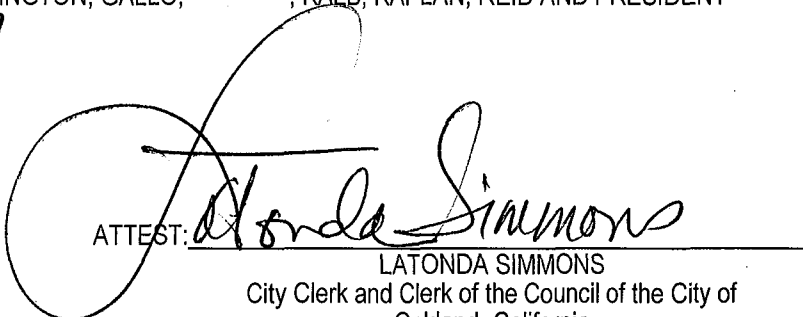
AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, KALB, KAPLAN, REID AND PRESIDENT
GIBSON MCELHANEY - 7

NOES - 0

Excused - Crivien - 1

ABSTENTION - 0

ATTEST:


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