

Barbara J. Saika
City Attorney's Office

18 SEP 20 PM 1:48

OAKLAND CITY COUNCIL

RESOLUTION NO. 87357 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF: NANCY MCAFEE, ET AL. V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG17846121 IN THE AMOUNT OF ONE MILLION DOLLARS AND NO CENTS (\$1,000,000.00) ARISING FROM A JANUARY 12, 2016 TRIP-AND-FALL INCIDENT ON THE SIDEWALK ON THE 5700 BLOCK OF DOVER STREET (DEPARTMENT OF TRANSPORTATION – TRIP AND FALL)

WHEREAS, Helen McAfee allegedly tripped and fell on January 12, 2016 due to an uplifted portion of sidewalk on the 5700 block of Dover Street; and

WHEREAS, Helen McAfee allegedly suffered injury as a result of the uplifted portion of sidewalk; and

WHEREAS, Alameda County Superior Court Case No. RG17846121 was filed against the City of Oakland alleging tort claims for personal injuries; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise the claims of Nancy McAfee, Archie McAfee III, and the Estate of Helen McAfee against it for the sum of One Million Dollars and No Cents (\$1,000,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Nancy McAfee, et al. v. City of Oakland, Alameda County Superior Court No. RG17846121 for the sum of One Million Dollars and No Cents (\$1,000,000.00); 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

OCT 02 2018

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BRUNSON~~ CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN
~~BRUNSON~~ - 6

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 2 Brooks & Reid

ATTEST:

Latonda Simmons

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