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CITY OF OAKLAND



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Office of the City Attorney
John Russo
City Attorney

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October 5, 2010

HONORABLE CITY COUNCIL

Oakland, California

**Subject: Jill Horowitz v. City of Oakland
Alameda County Superior Court No. RG09-433992
City Attorney File No. 26503 (OPW)**

President Brunner 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 action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) payable to Plaintiff Jill Horowitz and John A. Fetto, her attorney.

This action arises from an incident on October 19, 2007 wherein Ms. Horowitz tripped and fell on uneven pavement in Oakland. This matter was heard in closed session on September 21, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "JOHN A. RUSSO".

JOHN A. RUSSO
City Attorney

Attorney Assigned:
JAMES F. HODGKINS

Approved as to Form and Legality

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OAKLAND CITY COUNCIL

2010 SEP 23 PM 4:47

RESOLUTION No. _____ C.M.S.

JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JILL HOROWITZ v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG09-433992 IN THE AMOUNT OF \$150,000.00 AS A RESULT OF TRIPPING AND FALLING ON UNEVEN PAVEMENT IN OAKLAND, CA. (OFFICE OF PUBLIC WORKS - OPW)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Jill Horowitz v. City of Oakland City Attorney's File No. 26503, for the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00); 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; and be it

FURTHER RESOLVED: That the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) be payable to Plaintiff Jill Horowitz and John A. Fetto, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

- AYES- DE LA FUENTE, KERNIHGAN, NADEL, REID, QUAN, BROOKS, KAPLAN and PRESIDENT BRUNNER
- NOES-
- ABSENT-
- ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California