



CITY OF OAKLAND



05 SEP -6 PM 2:33

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September 20, 2005

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

Subject: James Kyle v. Bay Area Rapid Transit, et. al.
Alameda County Superior Court No. 2002 060357
Our File No. 22151

Pursuant to Section 401 of the Charter and the action of the City Council at its July 19, 2005 closed session, the City Attorney has prepared a resolution authorizing and recommends settlement of the above-captioned matter for the sum of Two Hundred Forty Thousand Dollars (\$240,000), payable to James Kyle and his attorneys, Boxer & Gerson, and One Hundred Thousand Dollars (\$100,000), payable to AC Transit and its attorneys, Laughlin, Falbo & Levy.

This action arises out of the plaintiff's July 13, 2001 fall on a broken curb on College Avenue under Highway 24 and resulting serious injuries.

The above settlement is recommended to avoid the risk of an adverse verdict should the matter proceed to trial.

Respectfully submitted,

JOHN A. RUSSO
City Attorney

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK
RESOLUTION No. _____ C.M.S.

2005 SEP -6 PM 3:43

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JAMES KYLE v. CITY OF OAKLAND, ALAMEDA SUPERIOR COURT CASE NO. 2002 060357, OUR FILE NO. 22151, IN THE AMOUNTS OF \$240,000 AND \$100,000 THIS CASE INVOLVES AN ALLEGED DANGEROUS CONDITION OF PUBLIC PROPERTY (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of James Kyle v. City of Oakland, Alameda County Superior Court Case No. 2002 060357 in the amounts of Two Hundred Forty Thousand Dollars (\$240,000), payable to James Kyle and his attorneys, Boxer & Gerson. and One Hundred Thousand Dollars (\$100,000), payable to AC Transit and its attorneys, Laughlin, Falbo & Levy.

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

FURTHER RESOLVED: That the sums of Two Hundred Forty Thousand Dollars (\$240,000) be paid to James Kyle and his attorneys, Boxer & Gerson. and One Hundred Thousand (\$100,000) be paid to AC Transit and its attorneys, Laughlin, Falbo & Levy.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, DE LA FUENTE, WOODS, NADEL, REID, and QUAN

NOES-

ABSENT-

ABSTENTION-

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