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ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CA 94612

Office of the City Attorney  
John A. Russo  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TDD: (510) 839-6451

February 3, 2004

**HONORABLE CITY COUNCIL**  
Oakland, California


**Subject: *Harriet Waterfield v. City of Oakland, et al***  
**Alameda County Superior Court Case No. RG03-81747**  
**Our File No. 22263 – Office of Public Works –**  
**Premises Liability/Trip and Fall**

Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled matter arising from an incident on June 15, 2002, in which plaintiff tripped and fell on a raised portion of the sidewalk near Lake Merritt across from 220 Grand Avenue, Oakland.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of Forty Thousand Dollars and No Cents (\$40,000.00), to be made payable to Harriet Waterfield and R. Kenneth Bauer, Esq., her attorney.

Respectfully submitted,

  
JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Peter Hallifax

316366

10.8CC  
ORA/COUNCIL  
FEB 3 2004

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION No. \_\_\_\_\_ C.M.S.



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PH/aah

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF HARRIET WATERFIELD v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG03-81747, OUR FILE NO. 22393, IN THE AMOUNT OF \$40,000.00, BASED ON A TRIP AND FALL ON THE PUBLIC SIDEWALK. (OFFICE OF PUBLIC WORKS)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Harriet Waterfield v. City of Oakland, et al., Alameda County Superior Court Case No. RG03-81747, City Attorney's File No. 22393, for a sum not to exceed a total of Forty Thousand Dollars and No Cents (\$40,000.00) payable by the City of Oakland to Harriet Waterfield and R. Kenneth Bauer, Esq., her attorney of record.

**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 sum of Forty Thousand Dollars and No Cents (\$40,000.00) be paid to Harriet Waterfield and R. Kenneth Bauer, Esq., her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

316375

10.8CC

ORA/COUNCIL  
FEB 3 2004