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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara Parker  
City Attorney

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July 16, 2013

HONORABLE CITY COUNCIL  
Oakland, California

Subject: Dennis Abbott v. U.S. Bank; City of Oakland, et al  
Case No. RG12-613796  
City Attorney File No. 28714 (Public Works Agency – Trip and Fall)

President Kernighan and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled matter for the sum of One Hundred Thousand Dollars and no/cents (\$100,000.00), payable to Dennis Abbott and William S. Berland, his attorney.

This action arises out of a trip and fall on a broken portion of sidewalk in front of U.S. Bank that occurred on or about September 19, 2011. The bank is located at 1988 Mountain Boulevard, Oakland.

This matter was heard in closed session on Tuesday, June 21, 2013.

Very truly yours,

  
BARBARA J. PARKER  
City Attorney

Attorney assigned:  
James F. Hodgkins

1165556

  
Office of the City Attorney

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# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

JFH:ah

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DENNIS ABBOTT v. U.S. BANK; CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12-613796, IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$100,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON OR ABOUT SEPTEMBER 19, 2011 (PUBLIC WORKS AGENCY – TRIP AND FALL)**

**WHEREAS**, On or about September 19, 2011, Dennis Abbott tripped and fell on a portion of upheaved sidewalk adjacent to a tree well outside of U.S. Bank located at 1988 Mountain Boulevard, Oakland; and

**WHEREAS**, Alameda County Superior Court Case No. RG12-613796 resulted from this incident; and

**WHEREAS**, It is in the City's best interest to settle this case to avoid the possibility of an adverse jury verdict; and

**NOW, THEREFORE, BE IT RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Dennis Abbott v. City of Oakland, Alameda County Superior Court Case Number RG12-613796, City Attorney's Office File No. 28714, for the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00); 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 Thousand Dollars and No Cents (\$100,000.00) be payable to Plaintiff Dennis Abbott and William S. Berland, Esquire, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_

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