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Office of the City Attorney
John A. Russo
City Attorney

April 19, 2005

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HONORABLE CITY COUNCIL

Oakland, California

President De La Fuente and Members of the City Council:

**Subject: Blair-Veres v. City of Oakland
Alameda County Superior Court No. RG 04175337
Our File No. 24174**

Pursuant to Section 401 of the Charter and the actions of the Oakland City Council at its closed session meeting of April 5, 2005, the City Attorney has prepared and recommends adoption of a resolution authorizing compromise and settlement of the above-captioned action in the sum of Seventy-Two Thousand Five Hundred Dollars (\$72,500.00), payable to Penny Blair-Veres and her attorney, Mark B. Abelson, Esq.

This action resulted from plaintiff's February 19, 2004, trip and fall on an uneven portion of City sidewalk in front of 353 Grand Avenue. Mrs. Blair-Veres suffered a fractured left elbow and forearm as a result of the fall and incurred medical specials of \$42,539.64.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 APR -6 AM 10:45

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PENNY BLAIR-VERES v. CITY OF OAKLAND, ALAMEDA SUPERIOR COURT CASE NO. RG04175337, OUR FILE NO. 24174, IN THE AMOUNT OF \$72,500.00. 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 Penny Blair-Veres v. City of Oakland, Alameda County Superior Court Case No. RG04175337 in the amount of Seventy-Two Thousand Five Hundred Dollars (\$72,500.00), payable to Penny Blair-Veres and her attorney, Mark B. Abelson, Esq.

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 Seventy-Two Thousand Five Hundred Dollars (\$72,500.00) be paid to Penny Blair-Veres and her attorney, Mark B. Abelson, Esq.

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