

CITY OF OAKLAND



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

Office of the City Attorney
John A. Russo
City Attorney

April 20, 2004

(510) 238-3601
FAX: (510) 238-6500
TTY/TDD: (510) 238-3254

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

Subject: Johnson v. City of Oakland et.al.
Alameda County Superior Court No. 03102782
Our File No. 23248

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends adoption of a resolution authorizing compromise and settlement of the above-captioned action in the sum of Sixty-Five Thousand Dollars (\$65,000.00), payable to Bessie Johnson and her attorney, Elaine Ryzak Fraser, Esq.

This action resulted from plaintiff's February 8, 2003, trip and fall on an uneven portion of City sidewalk in front of 166 Athol Avenue. Mrs. Johnson suffered a fractured pelvis as a result of the fall and incurred medical specials of \$39,950.

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 cursive script that reads "John A. Russo".

JOHN A. RUSSO
City Attorney

10.4CC
ORA/COUNCIL
APR 20 2004

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BESSIE JOHNSON v. CITY OF OAKLAND, ET AL., ALAMEDA SUPERIOR COURT CASE NO. RG03102782, OUR FILE NO. 23248, IN THE AMOUNT OF \$65,000.00. 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 Bessie Johnson v. City of Oakland, et al., Alameda County Superior Court Case No. RG03102782 in the amount of Sixty-Five Thousand Dollars (\$65,000.00), payable to Bessie Johnson and her attorney, Elaine Ryzak Fraser, 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 Sixty-Five Thousand Dollars (\$65,000.00) be paid to Bessie Johnson and her attorney, Elaine Ryzak Fraser, Esq.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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

10.4CC
ORACOUNCIL
APR 20 2004