

13 SEP -5 PM 1:42

CITY OF OAKLAND



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

Office of the City Attorney
Barbara Parker
City Attorney

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

September 17, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Denise Davis v. Juruj Strutynsky, et al.
Case No. RG12-621529
City Attorney File No. X03844 (Public Works Agency – Trip & 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 Two Hundred Thousand Dollars and no/cents (\$200,000.00), payable to Denise Davis and John D. Winer, her attorney.

This action arises out of a trip and fall on a broken portion of sidewalk in front of the residence of Jurij and Lidia Strutynsky that occurred on or about September 2, 2012. The property is located at 4042 Lyman Road, Oakland.

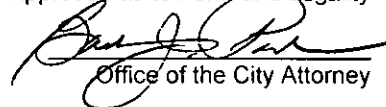
This matter was heard in closed session on Tuesday, July 30, 2013.

Very truly yours,


BARBARA J. PARKER
City Attorney

Attorney assigned:
James F. Hodgkins

1170583


Office of the City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

13 SEP -5 PM 1:42

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

JFH:ah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DENISE DAVIS v. JURIJ & LIDIA STRUTYNSKY, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12-621529, IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS AND NO CENTS (\$200,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON OR ABOUT SEPTEMBER 2, 2012 (PUBLIC WORKS AGENCY – TRIP AND FALL)

WHEREAS, On or about September 2, 2012, Denise Davis tripped and fell on a portion of upheaved sidewalk located in front of 4042 Lyman Road, Oakland; and

WHEREAS, Alameda County Superior Court Case No. RG12-621529 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 Denise Davis v. Jurij & Lidia Strutynsky, Alameda County Superior Court Case Number **RG12-621529**, City Attorney's Office File No. X03844, for the sum of Two Hundred Thousand Dollars and No Cents (\$200,000.00); 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 Two Hundred Thousand Dollars and No Cents (\$200,000.00) be payable to Plaintiff Denise Davis and John D. Winer, 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