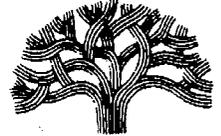


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CITY OF OAKLAND



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

March 12, 2019

HONORABLE CITY COUNCIL
Oakland, California

Subject: Esmeralda Olson et al. v. City of Oakland, et al.
Alameda County Superior Court Case No. RG17859149
City Attorney File No. 30828
(Department of Transportation – Sidewalk)

President Kaplan and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of Fifty Thousand Dollars and No Cents (\$50,000.00), payable to Esmeralda Olson.

In May 2015, Ms. Olson tripped on a crack in the sidewalk in front of Dimond Printers at 3525 Fruitvale Ave and broke and dislocated her elbow. She was in a cast for six weeks and then needed surgeries to install and then remove hardware. For several months, she endured pain and was unable to use her arm. Her medical expenses were over \$200,000. Ms. Olson sued the City and Dimond Printers alleging a dangerous condition, and has agreed to settle for a settlement payment of \$100,000.00, \$50,000.00 from Dimond Printers and \$50,000.00 from the City. These settlements will resolve all claims in this matter.

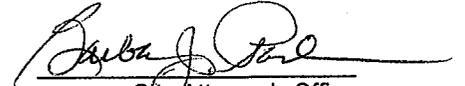
The Council authorized settlement of this case in Closed Session on Tuesday, February 26, 2019 (moved by Councilmember Gallo and seconded by Councilmember Thao – 6 Ayes, 2 Absent – Councilmember Gibson McElhaney, and Vice Mayor Reid).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Assigned Attorneys:
David A. Pereda, Special Counsel
Andrew S. Huang, Deputy City Attorney
2687053v1

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City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ESMERALDA OLSON v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE No. RG17859149, IN THE AMOUNT OF FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00) (DEPARTMENT OF TRANSPORTATION – SIDEWALK).

WHEREAS, Esmeralda Olson alleges that on May 7, 2017, she tripped and fell on the sidewalk in front of Dimond Printers at 32525 Fruitvale Avenue; and

WHEREAS, Ms. Olson alleges that she broke and dislocated her elbow, that she was in a cast for six weeks and that she then needed surgeries to install and then remove hardware; and

WHEREAS, Ms. Olson alleged that for several months, she endured pain and was unable to use her arm; and

WHEREAS, Ms. Olson's medical expenses exceeded \$200,000; and

WHEREAS, Ms. Olson sued the City and Dimond Printers alleging a dangerous condition of public property where she fell, and has agreed to settle her lawsuit for a settlement payment of \$100,000.00, with Dimond Printers and the City each paying \$50,000.00; and

WHEREAS, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Esmeralda Olson v. City of Oakland, et al., Alameda County Superior Court Case No. RG17859149, City Attorney's File No. 30828, for the sum of Fifty Thousand Dollars and No Cents (\$50,000.00); and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Esmeralda Olson and her counsel; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR,
THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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