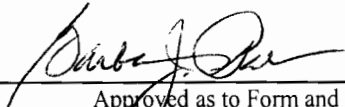


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Approved as to Form and Legality

OAKLAND CITY COUNCIL

RESOLUTION No. 83707 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CITY OF BERKELEY V. CITY OF OAKLAND (GAIL LOWRY V. CITY OF BERKELEY, et al.), ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10552946 IN THE AMOUNT OF \$10,000.00 (PUBLIC WORKS AGENCY – TRIP AND FALL)

WHEREAS: Cross-Complainants City of Berkeley and Steven and Jennifer Banker sued the City of Oakland for indemnity and contribution arising out of claims against them by Plaintiff Gail Lowry, who fell on an uneven sidewalk in front of 2930 Domingo Avenue, causing her serious injury;

WHEREAS: The City has determined to compromise and settle Cross-Complainants' claims against it for the sum of Ten Thousand Dollars and no Cents (\$10,000.00);

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of City of Berkeley v. City of Oakland, Alameda County Superior Court No. RG10552946 and related cross-actions, City Attorney's File No. 28294 for a sum not to exceed Ten Thousand Dollars and no Cents (\$10,000.00), payable by the City of Oakland.

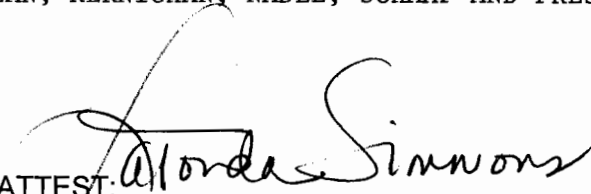
FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Ten Thousand Dollars and no Cents (\$10,000.00), be paid to Deans & Homer, the insurance carrier for Cross-Complainants Steven Banker and Jennifer Banker.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 7 2012, 2012

PASSED BY THE FOLLOWING VOTE:

- AYES-BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND PRESIDENT REID - 8
- NOES- 0
- ABSENT- 0
- ABSTENTION- 0

ATTEST: 
LATONDA SIMMONS

CITY CLERK AND CLERK OF THE
COUNCIL OF THE CITY OF OAKLAND