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CITY OF OAKLAND



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April 5, 2016

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Victoria Hunter v. City of Oakland
Alameda County Superior Court No. RG14-709717
City Attorney File No. 29616
(Public Works – Dangerous Condition)**


President Gibson-McElhaney 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 the compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Eleven Thousand Five Hundred Dollars and No Cents (\$11,500.00) payable to Plaintiff Victoria Hunter and her attorney Mark Mandel.

This action arises from an incident on March 18, 2013, wherein Ms. Hunter tripped and fell in a City utility box on International Boulevard near 96th Avenue in Oakland. Ms. Hunter suffered soft tissue injuries to her back and to her left knee, ankle and shoulder, requiring medical treatment.

The Council authorized settlement of this case in Closed Session on Tuesday, March 15, 2016 (moved by Councilmember Brooks and seconded by Councilmember Campbell-Washington – 6 Ayes, 2 Absent - Councilmembers Kaplan and Gibson McElhaney).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
Charles E. Vose


City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

16 MAR 17 PM 3:06

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF VICTORIA HUNTER v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14-709717, IN THE AMOUNT OF ELEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$11,500.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON MARCH 18, 2013 (PUBLIC WORKS – DANGEROUS CONDITION)

WHEREAS, Victoria Hunter was injured when she tripped and fell in a City utility box located on International Boulevard near 96th Avenue in the City of Oakland on March 18, 2013; and

WHEREAS, Ms. Hunter sustained injuries requiring medical treatment and lost wages as a result of this accident; and

WHEREAS, Alameda County Superior Court Action RG14-719707 was filed against the City of Oakland alleging a dangerous condition of public property; and

WHEREAS, In order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Victoria Hunter v. City of Oakland, RG14-719707, City Attorney's File No. 29616, for the sum of Eleven Thousand Five Hundred Dollars and No Cents (\$11,500.00); 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 Eleven Thousand Five Hundred Dollars and No Cents (\$11,500.00) be payable to Plaintiff Victoria Hunter and her attorney Mark Mandel.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____

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