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11 NOV -3 AM 11:50

CITY OF OAKLAND



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

Office of the City Attorney
Barbara J. Parker
City Attorney

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November 15, 2011

HONORABLE CITY COUNCIL
Oakland, California

President Reid and Members of the City Council:

Subject: Rene E. Wadley v. Kevin Schultz, et al.
Alameda County Superior Court Case No. RG10529060
Our Matter No. 27605 (Public Works Agency-Trip and Fall)

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 action for the sum of Fifty-Five Thousand Dollars and No Cents (\$55,000), payable to Rene E. Wadley and her attorney, Joseph Tomasik, Esq.

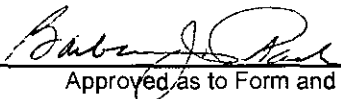
This action arises out of a trip and fall accident on the sidewalk along 82nd Ave that borders 8140 Iris Street on July 31, 2009 which, it is alleged, was caused by a dangerous condition of public property. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This matter was heard in closed session on October 18, 2011.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written in a cursive style.

BARBARA J. PARKER
City Attorney

Attorney assigned:
Carolyn O. Tsai


Approved as to Form and Legality

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OAKLAND CITY COUNCIL

11 NOV -3 AM 11:50 RESOLUTION NO. _____ C.M.S.

COT

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF RENEE E. WADLEY v. KEVIN SCHULTZ, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10529060, CITY ATTORNEY'S FILE NO. 27605, IN THE AMOUNT OF FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00). (PWA - TRIP & FALL)

WHEREAS, on July 31, 2009, Plaintiff Renee E. Wadley tripped and fell on a sidewalk and suffered personal injuries and has filed a lawsuit alleging that a dangerous condition of public property caused the accident, and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; and now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of Wadley v. Shultz, Alameda County Superior Court Case No. RG10529060, City Attorney File No. 27605, for the sum of Fifty-Five Thousand Dollars and No Cents (\$55,000), payable to Renee E. Wadley and her attorney, Joseph Tomasik, Esq.; 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 Fifty-Five Thousand Dollars and No Cents (\$55,000) be made payable to Renee E. Wadley and her attorney, T Joseph Tomasik, Esq.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the
Council of the City of Oakland, California