

OFFICE OF THE CITY ATTORNEY
CITY OF OAKLAND

CITY OF OAKLAND



2006 MAR -8 PM 12:08

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Office of the City Attorney
John A. Russo
City Attorney

March 21, 2006

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HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

**Subject: James Kyle v. Bay Area Rapid Transit, et. al.
(Bay Area Rapid Transit v. City of Oakland)
Alameda County Superior Court No. 2002 060357
Our File No. 22151**

Pursuant to Section 401 of the Charter and the action of the City Council at its March 7, 2006 closed session, the City Attorney has prepared a resolution authorizing and recommends settlement of the above-captioned matter for the sum of Twenty-Four Thousand Five Hundred Dollars (\$24,500), payable to Bay Area Rapid Transit District (BART) and its attorneys, Hedani, Choy, Spalding & Salvagione, LLP.

This is an indemnity action for reimbursement of attorneys' fees and costs incurred in BART's defense of a July 13, 2001 trip and fall accident on College Avenue.

The above settlement is recommended to avoid the risk of an adverse verdict should the matter proceed to trial.

Respectfully submitted,

JOHN A. RUSSO
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

OFFICE OF THE CITY CLERK
2002 JUN 12 12:09

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JAMES KYLE v. BAY AREA RAPID TRANSIT (BAY AREA RAPID TRANSIT V. CITY OF OAKLAND), ALAMEDA SUPERIOR COURT CASE NO. 2002 060357, OUR FILE NO. 22151, IN THE AMOUNT OF TWENTY-FOUR THOUSAND FIVE HUNDRED DOLLARS (\$24,500.00)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of James Kyle v. Bay Area Rapid Transit, et al (BART v. City of Oakland), Alameda County Superior Court Case No. 2002 060357 in the amount of Twenty Four Thousand Five Dollars (\$24,500.00), payable to Bay Area Transit District and its attorneys, Hedani, Choy, Spalding & Salvagione, LLP.

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

FURTHER RESOLVED: That the sums of Twenty Four Thousand Five Dollars (\$24,500.00), be paid to the Bay Area Transit District and its attorneys, Hedani, Choy, Spalding & Salvagione, LLP.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, DE LA FUENTE, WOODS, NADEL, REID, and QUAN

NOES-

ABSENT-

ABSTENTION-

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