

CITY OF OAKLAND



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Office of the City Attorney  
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March 1, 2005

**HONORABLE CITY COUNCIL – CONSENT CALENDAR**  
Oakland, California

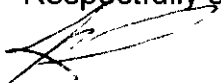
**Subject: *Yolanda Orey v. City of Oakland, et al***  
**Alameda County Superior Court Case No. RG03-120161**  
**Our File No. 22919 – Office of Public Works –**  
**Premises Liability/Trip and Fall Accident**

Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution and recommends settlement of the above-entitled matter arising from an incident on October 10, 2002, in which plaintiff tripped and fell on a raised portion of sidewalk on 61<sup>st</sup> Street in front of Washington School.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of Ten Thousand Dollars and No Cents (\$10,000.00), to be made payable to Yolanda Orey and Michael C. Cohen, Esq., her attorney. This was not a closed session matter.

Respectfully submitted,

  
JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Peter Hallifax  
336033

OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.



PH/aah

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF YOLANDA OREY v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG03-120161, OUR FILE NO. 22919, IN THE AMOUNT OF \$10,000.00. THIS CASE INVOLVES A TRIP AND FALL ACCIDENT OCCURRING ON A RAISED PORTION OF SIDEWALK. (OFFICE OF PUBLIC WORKS)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Yolanda Orey v. City of Oakland, et al., Alameda County Superior Court Case No. RG03-120161, City Attorney's File No. 22919, for a sum not to exceed a total of Ten Thousand Dollars and No Cents (\$10,000.00) payable by the City of Oakland to Yolanda Orey and Michael C. Cohen, Esq., her attorney.

**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 sum of Ten Thousand Dollars and No Cents (\$10,000.00) be paid to Yolanda Orey and Michael C. Cohen, Esq., her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
Latonda Simmons  
Interim City Clerk and Interim Clerk of  
the Council of the City of Oakland,  
California