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

Office of the City Attorney  
John A. Russo  
City Attorney

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January 6, 2009

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Frances Smith v. City of Oakland, et al.**  
**Alameda County Superior Court No. RG07308877**  
**Our File No. 25630 (PUBLIC WORKS AGENCY –**  
**TRIP AND FALL)**

President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution authorizing and recommending settlement of the above-captioned matter for the sum of Thirty-Seven Thousand, Five Hundred Dollars and No Cents (\$37,500.00) made payable to Plaintiff Frances Smith and Brian L. Larsen, Esq., her attorney.

This action arises out of plaintiff's trip and fall on an uneven and cracked walkway in front of the Lake Merritt Bay Area Rapid Transit District ("BART") station on June 30, 2006.

Respectfully submitted,

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Demetrius D. Shelton  
540446

2008 DEC 22 AM 11:32 SOLUTION No. \_\_\_\_\_ C.M.S.

DDS/bjw

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF FRANCES SMITH v. CITY OF OAKLAND, et al., ALAMEDA COUNTY SUPERIOR COURT NO. RG07308877, OUR FILE NO. 25630, IN THE AMOUNT OF \$37,500.00 (PUBLIC WORKS AGENCY – TRIP AND FALL)

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Frances Smith v. City of Oakland, et al., City Attorney's File No. 25630, for a sum not to exceed Thirty-Seven Thousand, Five Hundred Dollars and No Cents (\$37,500.00) made payable to Plaintiff Frances Smith and Brian L. Larsen, 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 Thirty-Seven Thousand, Five Hundred Dollars and No Cents (\$37,500.00) made payable to Plaintiff Frances Smith and Brian L. Larsen, Esq., her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS

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

DATE OF ATTESTATION: \_\_\_\_\_