

OFFICE OF THE CITY ATTORNEY
CITY OF OAKLAND



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Office of the City Attorney
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November 16, 2004

HONORABLE CITY COUNCIL
Oakland, California

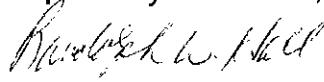
Subject: *Lea D. Rubio v. City of Oakland, et al*
Alameda County Superior Court Case No. 2002-077021
Our File No. 22599 – Public Works Agency
Slip and Fall/Premises Liability

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

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled matter arising from an incident on January 10, 2002, in which plaintiff slipped and fell and an upraised portion of sidewalk near Lake Merritt. This matter was previously passed by the City Council at the October 19, 2004 closed session.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of Eighty-Five Thousand Dollars and No Cents (\$85,000.00), to be made payable to Lea D. Rubio and David G. Smith, Esq., her attorney of record.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned:
James F. Hodgkins

331867

Rubio

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO. _____ C.M.S.

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JFH/aah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LEA D. RUBIO v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. 2002-077021, OUR FILE NO. 22599, IN THE AMOUNT OF \$85,000.00. THIS CASE INVOLVES A SLIP AND FALL ACCIDENT ON AN UPRAISED PORTION OF SIDEWALK. (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Lea D. Rubio v. City of Oakland, et al., Alameda County Superior Court Case No. 2002-077021, City Attorney's File No. 22599, for a sum not to exceed a total of Eighty-Five Thousand Dollars and No Cents (\$85,000.00) payable by the City of Oakland to Lea D. Rubio and David G. Smith, Esq., her attorney of record.

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 Eighty-Five Thousand Dollars and No Cents (\$85,000.00) be paid to Lea D. Rubio and David G. Smith, Esq., her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California