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CITY OF OAKLAND



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February 26, 2019

HONORABLE CITY COUNCIL
Oakland, California

Subject: Timothy O'Connell, et al. v. City of Oakland, et al.
Case No. RG15769050
City Attorney File No. 30265
(Department of Transportation – Dangerous Condition)

President Kaplan and Members of the City Council:

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 lawsuit for the sum of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), payable in the amounts of Sixty-Five Thousand Dollars and Zero Cents (\$65,000.00) to Plaintiff Timothy O'Connell and Ten Thousand Dollars and Zero Cents (\$10,000.00) to Plaintiff Heather O'Connell.

This action arises out of a trip and fall allegedly caused by a dangerous condition of public property on May 21, 2014, in front of the building located at 4101 Maynard Avenue.

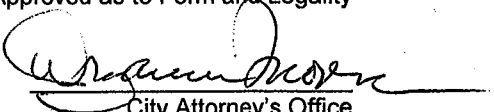
The Council authorized settlement of this case in Closed Session on Tuesday, December 11, 2019 (moved by Councilmember Kaplan and seconded by Councilmember McElhaney - 7 Ayes, 1 Absent – Councilmember Brooks).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barbara J. Parker, Jr.".

BARBARA J. PARKER
City Attorney

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF TIMOTHY O'CONNELL, ET AL. V. THE CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15769050, IN THE AMOUNT OF SEVENTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00) AS A RESULT OF A SLIP AND FALL ALLEGEDLY CAUSED BY A DANGEROUS CONDITION OF PUBLIC PROPERTY, OCCURRING ON MAY 21, 2014 (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, Timothy O'Connell alleges he was injured when he slipped and fell on a public sidewalk on May 4, 2016; and

WHEREAS, Timothy O'Connell alleges he sustained injuries and received medical treatment as a result of that incident; and

WHEREAS, Timothy O'Connell alleges he sustained wage losses as a result of that accident; and

WHEREAS, Heather O'Connell alleges she sustained loss of consortium with Timothy O'Connell as a result of that accident; and

WHEREAS, Alameda County Superior Court Action RG15769050 was filed against the City of Oakland, alleging a dangerous condition of public property; and

WHEREAS, to avoid the risk of an adverse jury verdict under the circumstances; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Timothy O'Connell, et al. v. City of Oakland, et al. Alameda County Superior Court Case No. RG15769050, City Attorney's File No. 30265, for the sum of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), payable in the amounts of Sixty-Five Thousand Dollars and Zero Cents (\$65,000.00) to Plaintiff Timothy O'Connell and Ten Thousand Dollars and Zero Cents (\$10,000.00) to Plaintiff Heather O'Connell; and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Timothy O'Connell, Heather O'Connell, and their counsel; 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

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