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CITY OF OAKLAND



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October 21, 2014

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Ramona Espinoza v. Community Bank of the Bay,  
City of Oakland  
Alameda County Superior Court No. RG13-672502  
City Attorney File No. 29217  
(Public Works Department – Dangerous Condition/Trip & Fall)**

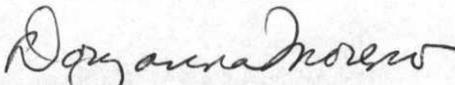
President Kernighan and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Twenty-One Thousand Dollars and No Cents (\$21,000.00) payable to Plaintiff Ramona Espinoza and her attorney Steven R. Jacobsen.

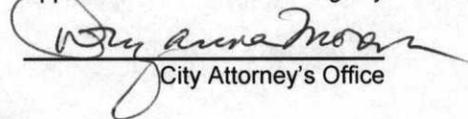
This action arises from an incident on March 22, 2012, wherein Ms. Espinoza was injured while walking near the intersection of Broadway and 17th Street in Oakland. Ms. Espinoza sustained injuries in that incident that required medical treatment.

The City Council authorized settlement of this case in Closed Session on Tuesday, October 7, 2014 (moved by Councilmember Reid and seconded by Councilmember Gallo – 8 Ayes.

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

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City Attorney's Office

# OAKLAND CITY COUNCIL

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

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF RAMONA ESPINOZA v. COMMUNITY BANK OF THE BAY, CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13-672502, IN THE AMOUNT OF TWENTY-ONE THOUSAND DOLLARS AND NO CENTS (\$21,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON OR ABOUT MARCH 22, 2012 (PUBLIC WORKS AGENCY – DANGEROUS CONDITION/TRIP & FALL)**

**WHEREAS**, Ramona Espinoza was injured when she tripped fell on the sidewalk near the intersection of Broadway and 17<sup>TH</sup> Street in the City of Oakland on March 22, 2012; and

**WHEREAS**, Ms. Espinoza sustained injuries requiring medical treatment as a result of this accident; and

**WHEREAS**, Alameda County Superior Court Action RG13-672502 was filed against the City of Oakland and Community Bank of the Bay alleging negligence and a dangerous condition of public property; and

**WHEREAS**, In order 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 Ramona Espinoza v. Community Bank of the Bay, City of Oakland, City Attorney's File No. 29217, for the sum of Twenty-One Thousand Dollars and No Cents (\$21,000.00); 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; and be it

**FURTHER RESOLVED**: That the sum of Twenty-One Thousand Dollars and No Cents (\$21,000.00) be payable to Plaintiff Ramona Espinoza and her attorney Steven R. Jacobsen.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES: SCHAAF, BROOKS, KAPLAN, GALLO, KALB, GIBSON McELHANEY, REID and PRESIDENT KERNIGHAN

NOES:

ABSENT:

ABSTENTION:

ATTEST: \_\_\_\_\_

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