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June 27, 2017

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Andrew Johnson v. City of Oakland
Alameda County Superior Court No. RG15-763787
City Attorney File No. 30133
(Public Works – Dangerous Condition)**

President Gibson-McElhaney 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 the 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 Forty-Four Thousand Dollars and No Cents (\$44,000.00) payable to Plaintiff Andrew Johnson and his attorney Robert F. Kane.

This action arises from an incident on April 9, 2014, wherein Mr. Johnson tripped and fell on an uplifted and dangerous section of sidewalk in the 2400 block of 80th Avenue near the corner of Hillside Street in Oakland. The uplifted sidewalk was caused by roots from a City tree. Mr. Johnson sustained a separated right shoulder that required surgery to repair. Mr. Johnson also suffered nerve damage in his shoulder.

The Council authorized settlement of this case in Closed Session on Tuesday, June 20, 2017 (moved by Councilmember Reid and seconded by Councilmember Kaplan – 7 Ayes, 1 Absent – Brooks).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
Charles E. Vose

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Barbara J. Stark
City Attorney's Office

17 JUN 22 PM 1:16
OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ANDREW JOHNSON v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15-763787, IN THE AMOUNT OF FORTY-FOUR THOUSAND DOLLARS AND NO CENTS (\$44,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON APRIL 9, 2014 (PUBLIC WORKS - DANGEROUS CONDITION)

WHEREAS, Andrew Johnson was injured when he tripped and fell on a City sidewalk in the 2400 block of 80th Avenue near Hillside Street in the City of Oakland on April 9, 2014; and

WHEREAS, Mr. Andrews sustained injuries requiring medical treatment as a result of this accident; and

WHEREAS, Alameda County Superior Court Action RG15-763787 was filed against the City of Oakland alleging 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 Andrew Johnson v. City of Oakland, RG15-763787, City Attorney's File No. 30133, for the sum of Forty-Four Thousand Dollars and No Cents (\$44,000.00); 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.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN AND PRESIDENT REID

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____

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