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CITY OF OAKLAND



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

Office of the City Attorney
John Russo
City Attorney

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March 1, 2011

HONORABLE CITY COUNCIL
Oakland, California

Subject: Vivian Ferguson v. City of Oakland, et al.
Alameda County Superior Court No. RG09-479058
City Attorney File No. 27156 (OPW)

President Reid 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 action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) payable to Plaintiff Vivian Ferguson and Thomas H. LemMon, her attorney.

This action arises from an incident on March 16, 2009, wherein Ms. Ferguson tripped and fell over a portion of upraised sidewalk near the intersection of 82nd Avenue and International Blvd. This matter was not heard in closed session.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned:
JAMES F. HODGKINS

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Approved as to Form and Legality

OAKLAND CITY COUNCIL

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RESOLUTION No. _____ C.M.S.

JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF VIVIAN FERGUSON v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG09-479058 IN THE AMOUNT OF \$20,000.00 AS A RESULT OF A TRIP AND FALL ACCIDENT AT 82ND AVENUE AND INTERNATIONAL BLVD. (OFFICE OF PUBLIC WORKS - OPW)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Vivian Ferguson v. City of Oakland, City Attorney's File No. 27156, for the sum of Twenty Thousand Dollars and No Cents (\$20,000.00); 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 Thousand Dollars and No Cents (\$20,000.00) be payable to Plaintiff Vivian Ferguson and Thomas H. LemMon, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- DE LA FUENTE, KERNIHGAN, NADEL, BRUNNER, SCHAAF, BROOKS, KAPLAN and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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