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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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April 5, 2011

HONORABLE CITY COUNCIL
Oakland, California


Subject: Mary Flood v. City of Oakland, et al.
Alameda County Superior Court No. RG09-437433
City Attorney File No. 26714 (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 Seventy-seven Thousand Five Hundred Dollars and No Cents (\$77,500.00) payable to Plaintiff Mary Flood and Anastasios G. Konstantin, her attorney.

This action arises from an incident on April 19, 2008, wherein Ms. Flood tripped and fell over a portion of upraised sidewalk near 3878 Fruitvale Avenue. This matter was heard in closed session on March 15, 2011.

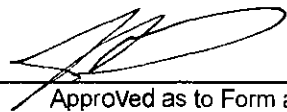
Respectfully submitted,



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 MARY FLOOD v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG09-455340 IN THE AMOUNT OF \$77,500.00 AS A RESULT OF A TRIP AND FALL ACCIDENT AT NEAR 3878 FRUITVALE AVENUE. (OFFICE OF PUBLIC WORKS - OPW)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Mary Flood v. City of Oakland, City Attorney's File No. 26714, for the sum of **Seventy-seven Thousand Five Hundred Dollars and No Cents (\$77,500.00)**; 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 **Seventy-seven Thousand Five Hundred Dollars and No Cents (\$77,500.00)** be payable to Plaintiff **Mary Flood and Anastasios G. Konstantin**, 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