

14 DEC 23 AM 11:19

CITY OF OAKLAND



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

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

January 6, 2015

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Brenda Bailey v. City of Oakland, et al.
Alameda County Superior Court Case No. RG13695039
City Attorney File No. 29239
Public Works Department – Dangerous Condition**

President Kernighan 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 claim for twenty-two thousand five hundred dollars and no cents (\$22,500.00), payable to Brenda Bailey.

This action arises out of Ms. Bailey's alleged injuries that she sustained as the result of the condition of a public sidewalk.

The Council authorized settlement of this case in Closed Session on Tuesday, December 9, 2014, moved by Councilmember Kaplan and seconded by Councilmember Gallo – 7 Ayes, 1 absent – Councilmember Gibson McElhaney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Parker".
BARBARA J. PARKER
City Attorney

1523083



City Attorney's Office

14 DEC 23 AM 11:19

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BRENDA BAILEY V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13695039, CITY ATTORNEY'S FILE NO. 29239, FOR A SUM NOT TO EXCEED TWENTY-TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$22,500.00) (PUBLIC WORKS— DANGEROUS CONDITION)

WHEREAS, Brenda Bailey alleges that she incurred damages as a result of an injury she sustained due to the condition of a public property; and

WHEREAS, Brenda Bailey, through his guardian ad litem, filed a personal-injury lawsuit against the City; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Brenda Bailey's claims against it for the sum of twenty-two thousand five hundred dollars and no cents (\$22,500.00) payable by the City of Oakland; now, therefore, be it

RESOLVED: That the City of Oakland is authorized and directed to compromise and settle the case of Brenda Bailey v. City of Oakland, Alameda County Superior Court Case No. RG13695039, City Attorney's File No. 29239, for a sum not to exceed twenty-two thousand five hundred dollars and no cents (\$22,500.00); and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of twenty-two thousand five hundred dollars and no cents (\$22,500.00) be paid to Brenda Bailey.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, GIBSON
MCELHANEY AND REID

NOES -
ABSENT -
ABSTENTION -

ATTEST: _____

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