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CITY OF OAKLAND



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Office of the City Attorney
Barbara J. Parker
City Attorney

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June 16, 2015

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Linda D. Ruano v. City of Oakland, et al.
Alameda County Superior Court No. RG13-692524
City Attorney File No. 29632
(Office of Public Works – Dangerous Condition/Trip and Fall)**

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 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 Sixty Thousand Dollars and No Cents (\$60,000.00) payable to Plaintiff Linda D. Ruano and her attorney James Paul Green.

This action arises from an incident on January 21, 2013, wherein Ms. Ruano tripped and fell on a city sidewalk adjacent to Alta Bates Summit Medical Center located at 3100 Summit Street in Oakland. Mr. Raines suffered a ruptured achilles tendon in her left leg, requiring surgery and ongoing medical treatment.

The Council authorized settlement of this case in Closed Session on Tuesday, June 2, 2015 (moved by Councilmember Kaplan and seconded by Councilmember Kalb – 8 Ayes).

Respectfully submitted,

A handwritten signature in black ink that reads "Barbara J. Parker". The signature is written in a cursive, flowing style.

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Charles E. Vose

Barbara J. Gault
City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LINDA D. RUANO v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13-692524, IN THE AMOUNT OF SIXTY THOUSAND DOLLARS AND NO CENTS (\$60,000.00) AS A RESULT OF A TRIP AND FALL INCIDENT ON OR ABOUT JANUARY 21, 2013 (OFFICE OF PUBLIC WORKS – DANGEROUS CONDITION/TRIP AND FALL)

WHEREAS, Linda D. Ruano was injured when she tripped and fell on the sidewalk adjacent to 3100 Summit Street in the City of Oakland on or about January 21, 2013; and

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

WHEREAS, Alameda County Superior Court Action RG13-692524 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 Linda D. Ruano v. City of Oakland, et al, RG13-692524, City Attorney's File No. 29632, for the sum of Sixty Thousand Dollars and No Cents (\$60,000.00); 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 Sixty Thousand Dollars and No Cents (\$60,000.00) be payable to Plaintiff Linda Ruano and her attorney James Paul Green.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

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

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____

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