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CITY OF OAKLAND



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Office of the City Attorney
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June 5, 2012

HONORABLE CITY COUNCIL
Oakland, California

President Reid and Members of the City Council:

Subject: Ida and Joe Scodella v. City of Oakland
Alameda County Superior Court Case No. RG10552641
Our Matter No. 27787 (Public Works – Trip and Fall)

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 for the sum of Forty-Five Thousand Dollars and No Cents (\$45,000), payable to Ida and Joe Scodella and their attorney of record Thomas C. Tagliarini.

This action arises out of a trip and fall accident on October 18, 2009, which it is alleged, was caused by a dangerous condition of public property. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This matter was not heard in closed session.

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney assigned:
Carolyn O. Tsai

RWD

Approved as to Form and Legality

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

COT:l/jg

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF IDA AND JOE SCODELLA v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10552641, CITY ATTORNEY'S FILE NO. 27787, IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$45,000.00). (PUBLIC WORKS – TRIP AND FALL)

WHEREAS, on October 18, 2009, Plaintiff Ida Scodella suffered personal injuries when she tripped and fell on a City sidewalk, and

WHEREAS, Plaintiffs Ida and Joe Scodella have filed the above entitled lawsuit seeking damages resulting from the trip and fall accident, and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; and now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of Ida and Joe Scodella v. City of Oakland, Alameda County Superior Court Case No. RG10552641, City Attorney File No. 27787, for the sum of Forty-Five Thousand Dollars and No Cents (\$45,000) payable to Ida and Joe Scodella and their attorney of record Thomas C. Tagliarini; 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 Forty-Five Thousand Dollars and No Cents (\$45,000), payable to Ida and Joe Scodella and their attorney of record Thomas C. Tagliarini.

IN COUNCIL, OAKLAND, CALIFORNIA.

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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