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Office of the City Attorney  
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March 16, 2010

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Carol Wertheim v. City of Oakland, et al.  
Alameda County Superior Court No. RG09448743  
Our File No. 26909 (PUBLIC WORKS AGENCY -  
PERSONAL INJURY)**

President Brunner and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution authorizing and recommending settlement of the above-captioned matter for the sum of Thirty-Five Thousand Dollars and No Cents (\$35,000.00) made payable to Plaintiff Carol Wertheim and Jay Chafetz, Esq., her attorney.

This action arises out of plaintiff's trip and fall accident on May 12, 2008. This matter was presented at Closed Session on March 2, 2010.

Respectfully submitted,

  
JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Demetrius D. Shelton

640721

  
DDS/bjw

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CAROL WERTHEIM v. CITY OF OAKLAND, et al., ALAMEDA COUNTY SUPERIOR COURT NO. RG09448743 OUR FILE NO. 26909, IN THE AMOUNT OF \$35,000.00 (PUBLIC WORKS AGENCY – PERSONAL INJURY)**

**WHEREAS:** Plaintiff Carol Wertheim has filed the above-captioned lawsuit alleging a trip and fall accident that occurred on May 12, 2008 in Oakland, CA.

**WHEREAS:** Plaintiff Carol Wertheim alleges that she sustained injury and damages caused by her fall; and

**WHEREAS:** the City of Oakland, without admitting guilt, wrongdoing or liability of any sort whatsoever, believes that it is in the best interest of the City of Oakland to terminate the above-captioned lawsuit through settlement.

**THEREFORE BE IT RESOLVED:** that the City Attorney is authorized and directed to compromise and settle the case of Carol Wertheim v. City of Oakland, et al., City Attorney's File No. 26909, for a sum not to exceed Thirty-Five Thousand Dollars and No Cents (\$35,000.00) made payable to Plaintiff Carol Wertheim and Jay Chafetz, Esq., her attorney.

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

**FURTHER RESOLVED:** that the sum of Thirty-Five Thousand Dollars and No Cents (\$35,000.00) made payable to Plaintiff Carol Wertheim and Jay Chafetz, Esq., her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,  
AND PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LaTONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California