

CITY OF OAKLAND



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Office of the City Attorney
John A. Russo
City Attorney

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October 3, 2006

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Allen v. City of Oakland*
Alameda County Superior Court Case No. RG 05228221
File No. 24385 – Office of Public Works –
Premises Liability – Trip and Fall

President De La Fuente and Members of the City Council:

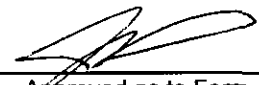
Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends adoption of a resolution authorizing compromise and settlement of the plaintiff's claims in the above-entitled lawsuit for the Forty-Eight Thousand Dollars (\$48,000.00) to be made payable to plaintiff Chu K. Allen and Douglas A. MacDonald, Esq., her attorney of record, as authorized by the City Council in closed session on Tuesday, September 19, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

376077


Approved as to Form and Legality
Oakland City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

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RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CHU K. ALLEN v. CITY OF OAKLAND, SUPERIOR COURT, COUNTY OF ALAMEDA, CASE NO. RG05228221, IN THE AMOUNT OF \$48,000.00 AS A RESULT OF TRIP AND FALL ON THE SIDEWALK AT 331 CLIFTON AVENUE (PUBLIC WORKS – PREMISES LIABILITY)

WHEREAS, on August 17, 2005, Chu K. Allen sued the City of Oakland after the plaintiff tripped and fell over uneven sidewalk at 331 Clifton Avenue on April 12, 2004; and

WHEREAS, on September 19, 2006, after careful and due consideration, the Oakland City Council at closed session authorized settlement of Chu K. Allen's claims in this referenced matter for the collective amount of Forty-Eight Thousand Dollars and No Cents (\$48,000.00); and

WHEREAS, Chu K. Allen has agreed to accept the collective amount of Forty-Eight Thousand Dollars and No Cents (\$48,000.00) as full settlement of her claims in this referenced action; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Chu K. Allen v. City of Oakland, et al., City Attorney's File No. 24385, for the sum of Forty-Eight Thousand Dollars and No Cents (\$48,000.00); 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 Forty-Eight Thousand Dollars and No Cents (\$48,000.00) be payable to Chu K. Allen and Douglas A. MacDonald, Esq., her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA.

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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