

8 OCT 18 PM 1:35

Barbara J. Burke
City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 87391 = C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MARCIA EWING v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG16842616, IN THE AMOUNT OF SEVENTY FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON DECEMBER 2, 2015 (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION)

WHEREAS, Marcia Ewing (60 years old) tripped over an edge of a sunken PG&E underground enclosure (a.k.a. Christy Box) in front of 3321 Lakeshore Avenue in Oakland on December 2, 2015; and

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

WHEREAS, Alameda County Superior Court Action RG16842616 was filed against the City of Oakland alleging negligence; 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 Marcia Ewing v. City of Oakland, RG16842616, City Attorney's File No. 31233, for the sum of Seventy Five Thousand Dollars and No Cents (\$75,000.00); 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **OCT 30 2018**

AYES - ~~Brooks~~, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN, AND PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

ATTEST: *[Signature]*
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California