

CITY OF OAKLAND



OFFICE OF THE CITY ATTORNEY
OAKLAND

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City Attorney

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August 16, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: James Barrett v. City of Oakland
Case No. RG15777910
City Attorney File No. 30502
(Oakland Public Works – Dangerous Condition)

President Gibson McElhaney and Members of the City Council:

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 claim for the sum of Thirty Five Thousand Dollars and No Cents (\$35,000.00), payable to James Barrett and his attorney, Brian L. Larsen.

This action arises from injuries Mr. Barrett sustained when he fell, face first, on a public sidewalk, after his cane became lodged in an opening in a City maintained and owned irrigation box. The Plaintiff claims to have suffered injuries and incurred medical expenses as a result.

The Council authorized settlement of this case in Closed Session on Tuesday July 26, 2016 (moved by Councilmember Kaplan and seconded by Councilmember Gallo - 6 Ayes, 2 Absent – Councilmembers Brooks and President Gibson McElhaney.

Respectfully submitted,

A handwritten signature in black ink, which appears to read 'Barbara J. Parker', written over a circular flourish.

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Colin T. Bowen


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JAMES BARRETT V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15777910, CITY ATTORNEY'S FILE NO. 30502, IN THE AMOUNT OF THIRTY FIVE THOUSAND DOLLARS (\$35,000.00) (PUBLIC WORKS – DANGEROUS CONDITION)

WHEREAS, Plaintiff, James Barrett, alleges that he sustained injuries after he fell, face first, on a public sidewalk, after his cane became lodged in an opening of a City maintained and owned irrigation located in front of 2100 Telegraph Avenue on October 4, 2014; and

WHEREAS, Plaintiff, James Barrett, filed the above referenced action to recover monetary damages for his alleged injuries; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff James Barrett's claim against it for the sum of Thirty Five Thousand Dollars and No Cents (\$35,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of James Barrett v. City of Oakland, Alameda County Superior Court Case No. RG15777910, City Attorney's File No. 30502, for a sum not to exceed Thirty Five Thousand Dollars and No Cents (\$35,000.00) payable by the City of Oakland; and be it

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

FURTHER RESOLVED: That the sum of Thirty Five Thousand Dollars and No Cents (\$35,000.00) be payable to the "James Barrett and his attorney, Brian L. Larsen".

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, 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