

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND



08 APR 17 PM 2:34

ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John A. Russo
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

May 6, 2008

HONORABLE CITY COUNCIL
Oakland, California

Subject: **Berne v. City of Oakland.**
United States District Court No.: C 07-0505 MMC
City Attorney File No. 25594 (PWA)

President De La Fuente and Members of the City Council:

Pursuant to §401 of the Charter, and the action of the Council at its December 4, 2007 and April 15, 2008, closed sessions, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action in the total sum of Seventy-Five Thousand Dollars (\$ 75,000.00), made payable to the Patricia Berne and her attorney, Paul Rein and installation of an access ramp at the Lake Merritt Bandstand..

This settlement is recommended as a compromise of this matter and to avoid an adverse jury verdict and possible exposure to civil penalties and larger attorney's fees.

Respectfully submitted,

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

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Stephen Q. Rowell



OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2008 APR 23 AM 10:25

RESOLUTION NO. _____ C.M.S.

IVF

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF PATRCIA BERNE V. CITY OF OAKLAND, U.S. DISTRICT COURT ACTION NO. C 07-0505 MMC, OUR FILE NO. 25594, IN THE AMOUNT OF \$75,000.00 AND INSTALLATION OF AN ACCESS RAMP AT THE LAKE MERRITT BANDSTAND. THIS CASE INVOLVES ALLEGED DISABILTY DISCRIMINATION (PUBLIC WORKS)

RESOLVED: That the City Attorney is authorized and directed to settle the case of Patricia Berne v. City of Oakland, U.S. Northern District Court Action No. C 07-0505 MMC, Our File No. 25594(-PUBLIC WORKS), for the sum of Seventy Five Thousand Dollars (\$75,000), made payable to Patricia Berne and her attorney, Paul Rein, Esq., and the installation of an access ramp at the Lake Merritt Bandstand.

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

FURTHER RESOLVED: That the sum of Seventy Five Thousand Dollars (\$75,000), be paid to Patricia Berne and her attorney, Paul Rein, Esq. and the installation of an access ramp at the Lake Merritt Bandstand.

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