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CITY OF OAKLAND



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

Office of the City Attorney
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City Attorney

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June 5, 2018

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Laura Miller v. City of Oakland
Alameda County Superior Court No. RG17867671
City Attorney File No. 31695
(Public Works – Dangerous Condition)**

President Larry Reid and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Seventy Five Thousand Dollars and No Cents (\$75,000.00) payable to Plaintiff Laura Miller and her attorneys, Joseph W. Campbell and Thomas G. Lewellyn.

This action arises from an incident on December 3, 2016, wherein Ms. Miller tripped and fell on a sidewalk defect on 8th Street adjacent to the Lake Merritt BART station in Oakland.

The Council authorized settlement of this case in Closed Session on Tuesday, March 20, 2018 (moved by Councilmember Lynette Gibson McElhaney and seconded by Councilmember Rebecca Kaplan - 7 Ayes, 1 Absent – Councilmember Dan Kalb).

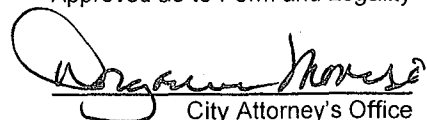
Respectfully submitted,

A handwritten signature in black ink, which appears to read "Barbara J. Parker, for".

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Christina Lum

FILED
OFFICE OF THE CITY CLERK
OAKLAND


City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LAURA MILLER v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG17867671, 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 3, 2016 (PUBLIC WORKS - DANGEROUS CONDITION)

WHEREAS, Laura Miller was injured when she tripped and fell on a City sidewalk on 8th Street adjacent to the Lake Merritt BART station in Oakland on December 3, 2016; and

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

WHEREAS, Alameda County Superior Court Action RG17867671 was filed against the City of Oakland alleging a dangerous condition of public property; 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 Laura Miller v. City of Oakland, RG17867671, City Attorney's File No. 31695, 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:

AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN AND PRESIDENT REID

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____

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