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CITY OF OAKLAND



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Office of the City Attorney
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September 23, 2014

HONORABLE CITY COUNCIL
Oakland, California

Subject: Erenst Edel v. City of Oakland, et al.
Alameda County Superior Court No. RG13-682796
City Attorney File No. 29351
(Public Works Agency – Dangerous Condition/Trip & Fall)


President Kernighan and Members of the City Council:

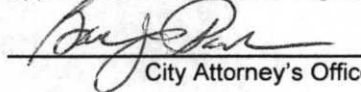
Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Eighty-Seven Thousand Five Hundred Dollars and No Cents (\$87,500.00) payable to Plaintiff Erenst Edel and his attorney Brian L. Larsen.

This action arises from an incident on June 19, 2012, wherein Mr. Edel was injured when he tripped and fell on a defective sidewalk near a bus stop on College Avenue near Broadway. Mr. Edel sustained serious injuries in that fall.

The Council authorized settlement of this case in Closed Session on Tuesday, July 29, 2014 (moved by Councilmember Reid and seconded by Councilmember Kalb - 7 Ayes, 1 Absent).

Respectfully submitted,


BARBARA J. PARKER
City Attorney


City Attorney's Office

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RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ERENST EDEL v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13-682796, IN THE AMOUNT OF EIGHTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$87,500.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON OR ABOUT JUNE 19, 2012 (PUBLIC WORKS AGENCY - DANGEROUS CONDITION/TRIP & FALL)

WHEREAS, Erenst Edel was seriously injured when he tripped and fell adjacent to an AC Transit bus stop near 5250 College Avenue in the City of Oakland; and

WHEREAS, Mr. Edel sustained serious injuries requiring medical treatment as a result of this accident; and

WHEREAS, Alameda County Superior Court Action RG13-682796 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 Erenst Edel v. City of Oakland, City Attorney's File No. 29351, for the sum of Eighty-Seven Thousand Five Hundred Dollars and No Cents (\$87,500.00); 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 Eighty-Seven Thousand Five Hundred Dollars and No Cents (\$87,500.00) be payable to Plaintiff Erenst Edel and his attorney Brian L. Larsen.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES: SCHAAF, BROOKS, KAPLAN, GALLO, KALB, GIBSON McELHANEY, REID and PRESIDENT KERNIGHAN

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____

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