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CITY OF OAKLAND



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December 9, 2014

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Ana Castaneda v. City of Oakland
Alameda Superior Court Case No. RG13682362
City Attorney File No. 29368
(Public Works Department – Dangerous Condition)**


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 claim for the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00), to be paid to The Law Offices of Gwilliam, Ivary, Chiosso, Cavalli & Brewer, In Trust For Ana Castaneda.

This action arises out of plaintiff Ana Castaneda's July 20, 2012 bicycle accident on Grizzly Peak Boulevard. Plaintiff alleges that the accident was caused by a pothole that was a Dangerous Condition of Public Property under § 835 of California's Government Code.

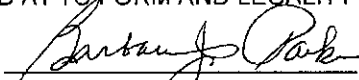
The Council authorized settlement of this case in Closed Session on Tuesday, November 18, 2014 (moved by Councilmember Kalb and seconded by Councilmember Gibson McElhaney – 8 Ayes).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney assigned:
Wendy M. Garbers

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Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ANA CASTANEDA V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13682362, CITY ATTORNEY'S FILE NO. 29368, IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) (PUBLIC WORKS DEPARTMENT – DANGEROUS CONDITION)

WHEREAS, Plaintiff Ana Castaneda alleges that her bicycle accident on July 20, 2012, was caused by a pothole on Grizzly Peak Boulevard; and

WHEREAS, Plaintiff Ana Castaneda filed the above referenced action to recover monetary damages for her alleged injuries; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Ana Castaneda's claim against it for the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Ana Castaneda v. City of Oakland, Alameda County Superior Court Case No. RG13682362, City Attorney's File No. 29368, for a sum not to exceed One Hundred Thousand Dollars and No Cents (\$100,000.00) 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 One Hundred Thousand Dollars and No Cents (\$100,000.00) be paid to The Law Offices of Gwilliam, Ivory, Chiosso, Cavalli & Brewer, In Trust For Ana Castaneda.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST _____

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