



16 JAN -7 PM 1:44

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January 19, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Joan Zeremariam, et al. v. City of Oakland, et al.*
Alameda County Superior Court No. RG14732663
City Attorney File No. 30286
(Oakland Public Works – Dangerous Condition)


President Reid and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of the resolution authorizing compromise and settlement of the above-entitled claim for the sum of One Hundred and Fifty Thousand Dollars (\$150,000.00), to be paid to the "Law Offices of Scott A. Bonzell Client Trust Account for Joan Zeremariam and Solomon Zeremariam".

This matter arises from a trip and fall on a sewer line cleanout in the sidewalk on the north side of Enos Avenue and alongside the property address of 4643 Tulip Avenue on September 12, 2014. Ms. Zeremariam, then age eight-two years old, suffered left femoral and humeral fractures.

The Council authorized settlement of this case in Closed Session on Tuesday, December 8, 2015 (moved by Councilmember Noel Gallo and seconded by Councilmember Campbell-Washington – 8 Ayes).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney assigned:
Michelle M. Meyers

FILED
OFFICE OF THE CITY CLERK
OAKLAND

16 JAN -7 PM 1:45

Approved as to Form and Legality


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 JOAN ZEREMARIAM, ET AL. V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15767845, CITY ATTORNEY'S FILE NO. 30286, IN THE AMOUNT OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00) (PUBLIC WORKS – DANGEROUS CONDITION)

WHEREAS, Plaintiff Joan Zeremariam alleges that she sustained injuries resulting from a trip and fall on a sewer line cleanout in the sidewalk on the north side of Enos Avenue and alongside the property address of 4643 Tulip Avenue on September 12, 2014; and

WHEREAS, Plaintiff Solomon Zeremariam alleges emotional distress from witnessing the trip and fall; and

WHEREAS, Plaintiffs filed the above referenced action to recover monetary damages; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiffs' claims against it for the sum of One Hundred and Fifty Thousand Dollars and No Cents (\$150,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Joan Zeremariam, et al. v. City of Oakland, Alameda County Superior Court Case No. RG15767845, City Attorney's File No. 30286, for a sum not to exceed One Hundred and Fifty Thousand Dollars and No Cents (\$150,000.00) 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 and Fifty Thousand Dollars and No Cents (\$150,000.00) be payable to the "Law Offices of Scott A. Bonzell Client Trust Account for Joan Zeremariam and Solomon Zeremariam."

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

1827097