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CITY OF OAKLAND



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November 28, 2017

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Mary Catherine Dino v. City of Oakland
Alameda County Superior Court No. RG16-823556
City Attorney File No. 31258
(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 Mary Catherine Dino and her attorney Matthew White.

This action arises from an incident on January 28, 2016, wherein Ms. Dino tripped and fell on a sidewalk defect at Pleasant Valley Avenue and Gilbert Street.

The Council authorized settlement of this case in Closed Session on Tuesday, November 7, 2017 (moved by Councilmember Desley Brooks and seconded by Councilmember Larry Reid – 7 Ayes, 1 Absent – Councilmember Dan Kalb).

Respectfully submitted,


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 MARY CATHERINE DINO v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG16-823556, IN THE AMOUNT OF SEVENTY FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON JANUARY 28, 2016 (PUBLIC WORKS - DANGEROUS CONDITION)

WHEREAS, Mary Catherine Dino was injured when she tripped and fell on a City sidewalk at Pleasant Valley Ave. and Gilbert Street in Oakland on January 28, 2016; and

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

WHEREAS, Alameda County Superior Court Action RG16-823556 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 Mary Catherine Dino v. City of Oakland, RG16-823556, City Attorney's File No. 31258, 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