

Barbara J. Stok
City Attorney's Office

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OFFICE OF THE CITY CLERK
OAKLAND

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OAKLAND CITY COUNCIL

RESOLUTION No. 84949 C.M.S.

JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MARILYN JOHNSON v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11-604205, CITY ATTORNEY'S FILE NO. 28468 IN THE AMOUNT OF THIRTY-SIX THOUSAND DOLLARS AND NO CENTS (\$36,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT (PUBLIC WORKS AGENCY – TRIP AND FALL)

WHEREAS, on March 26, 2011 Marilyn Johnson tripped and fell on an upraised portion of sidewalk near 3611 Midvale Avenue, Oakland; and

WHEREAS, the upraised sidewalk caused Marilyn Johnson to sustain injury to her right knee; 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 Marilyn Johnson v. City of Oakland, City Attorney's File No. 28468, for the sum of Thirty-Six Thousand Dollars and No Cents (\$36,000.00); 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; and be it

FURTHER RESOLVED: That the sum of Thirty-Six Thousand Dollars and No Cents (\$36,000.00) be payable to Plaintiff Marilyn Johnson and her attorney Brian L. Larsen.

IN COUNCIL, OAKLAND, CALIFORNIA; **MAY 6 2014**

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, KAPLAN, GALLO, KALB, GIBSON McELHANEY, REID, SCHAAF and PRESIDENT KERNIGHAN -6

NOES: 0

ABSENT: REID, GIBSON McElhaneY

ABSTENTION: 0

ATTEST: *Latonda Simmons*
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California