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CITY OF OAKLAND



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March 6, 2007

HONORABLE CITY COUNCIL
Oakland, California

Subject: Mary Harvey v. City of Oakland
Alameda County Superior Court No. RG06-256879
City Attorney File No. 25084 (Public Works Agency)

President De La Fuente and Members of the City Council:

Pursuant to §401 of the Charter, and the action of the Council at its March 6, 2007, closed session, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action in the total sum of Twenty Five Thousand Dollars (\$25,000), payable to Mary Harvey and Neil Cook, her attorney of record. The plaintiff contends that that she tripped and fell in the vicinity of 3711 MacArthur Boulevard, causing her to sustain personal injuries and medical expenses. This settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Inés Vargas Fraenkel

OAKLAND CITY COUNCIL

07 FEB 2006 10:04 AM

RESOLUTION No. _____ C.M.S.

IVF

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MARY HARVEY V. CITY OF OAKLAND, et al., SUPERIOR COURT, COUNTY OF ALAMEDA, CASE NO. RG06256879, IN THE AMOUNT OF \$25,000.00 AS A RESULT OF A TRIP AND FALL ACCIDENT AT 3711 MAC ARTHUR BOULEVARD, OAKLAND, ON JUNE 11, 2005 (PUBLIC WORKS AGENCY – TRIP AND FALL ACCIDENT)

WHEREAS, on February 24, 2006, Mary Harvey filed a lawsuit alleging that she tripped and fell in the vicinity of 3711 MacArthur Boulevard, causing her to sustain personal injuries and medical expenses; and

WHEREAS, on December 13, 2006, Mary Harvey agreed to accept the amount of Twenty Five Thousand Dollars and No Cents (\$25,000.00), subject to approval of the Oakland City Council, as full settlement of her claims against the City in this referenced action; it is hereby

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Mary Harvey v. City of Oakland, et al., City Attorney's File No. 25084, for the sum of Twenty Five Thousand Dollars and No Cents (\$25,000.00); 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 Twenty Five Thousand Dollars and No Cents (\$25,000.00) be payable to Plaintiff Mary Harvey and Neil Cook, Esq., her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, KERNIHGAN, NADEL, REID, QUAN, BROOKS, CHANG and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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