

11 SEP -7 AM 11:30

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

September 20, 2011

HONORABLE CITY COUNCIL
Oakland, California


President Reid and Members of the City Council:

Subject: Brian O'Guinn v. City of Oakland
Alameda County Superior Court Case No. RG09486355
Our Matter No. 27262 (Public Works Agency)

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 action for the sum of twelve thousand and five hundred dollars (\$12,500), payable to Brian O'Guinn and his attorney, Thomas H. LemMon.

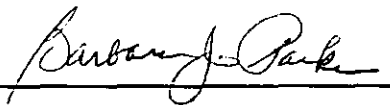
This action arises out of a trip and fall accident on the sidewalk at 370 Embarcadero on March 3, 2009 which, it is alleged, was caused by a dangerous condition of public property. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This was not a closed session item

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney assigned:
Carolyn O. Tsai

Doc. No.: 827182.1



Approved as to Form and Legality

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

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RESOLUTION NO. _____ C.M.S.

COT:csa

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BRIAN O'GUINN v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG09486355, CITY ATTORNEY'S FILE NO. 27262, IN THE AMOUNT OF TWELVE THOUSAND AND FIVE HUNDRED DOLLARS (\$12,500.00). (PWA)

WHEREAS, on March 3, 2009, Plaintiff Brian O'Guinn tripped and fell on a sidewalk and suffered personal injuries and has filed a lawsuit alleging that a dangerous condition of public property caused the accident, and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; and now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of Brian O'Guinn v. City of Oakland, Alameda County Superior Court Case No. RG09486355, City Attorney File No. 27262, for the sum of twelve thousand and five hundred dollars (\$12,500), payable to Brian O'Guinn and his attorney, Thomas H. LemMon; 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 twelve thousand and five hundred dollars (\$12,500) be made payable to Brian O'Guinn and his attorney, Thomas H. LemMon.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, and
PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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