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CITY OF OAKLAND



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

Office of the City Attorney
John Russo
City Attorney

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May 18, 2010

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Douglas Bushey v. City of Oakland
Alameda County Superior Court No. RG07-335507
City Attorney File No. 25705 (Public Works Agency)**

President Brunner and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the City Attorney to compromise and settle the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Five Hundred Thousand Dollars and No Cents (\$500,000.00) payable to Plaintiff Douglas Bushey and Claude A. Wyle, his attorney.

This action arises from an accident on August 24, 2006 in which Mr. Bushey was thrown to the pavement after his bicycle struck a pothole as he was riding through the intersection of Piedmont Avenue and MacArthur Boulevard. Mr. Bushey claims that the street where the accident occurred was rutted and in a dangerous condition. Mr. Bushey sustained serious injuries requiring extensive medical treatment as a result of this accident. This matter was approved in closed session on May 4, 2010.


Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John A. Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
CHARLES E. VOSE

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OAKLAND


Approved as to Form and Legality

OAKLAND CITY COUNCIL

2010 MAY -6 PM 5:05

RESOLUTION No. _____ C.M.S.

CEV

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DOUGLAS BUSHEY v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG07-335507, IN THE AMOUNT OF \$500,000.00 AS A RESULT OF AN ALLEGED DANGEROUS CONDITION OF PUBLIC PROPERTY THAT CAUSED A BICYCLE ACCIDENT AT PIEDMONT AVENUE AND MACARTHUR BOULEVARD ON AUGUST 24, 2006. (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Douglas Bushey v. City of Oakland, City Attorney's File No. 25705, for the sum of Five Hundred Thousand Dollars and No Cents (\$500,000.00); 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 Five Hundred Thousand Dollars and No Cents (\$500,000.00) be payable to Plaintiff Douglas Bushey and Claude A. Wyle, his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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