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CITY OF OAKLAND



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May 1, 2007

HONORABLE CITY COUNCIL
Oakland, California

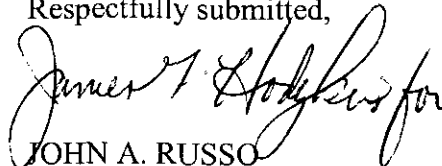
Subject: Rebecca S. Quick v. Joseph West; et al.
Alameda County Superior Court No. RG05223484
City Attorney File No. 24514 (Public Works Agency – Trip and Fall)

President De La Fuente 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 compromise and settlement of the above-entitled action for the sum of Ten Thousand Dollars and No Cents (\$10,000.00) payable to Plaintiff Rebecca S. Quick and Brian L. Larsen, Esq., her attorney.

This action arises out of plaintiff's trip and fall on the sidewalk in front of West Professional Building at 5232 Claremont Avenue on June 17, 2004. Co-defendants West and Children's Hospital are each contributing \$ 35,000 to the settlement for a total of \$ 80,000. The settlement is recommended to avoid the risk of an adverse trial result and potentially greater economic exposure for the City. This was not a closed session item.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned:
JENNIFER N. LOGUE

James F. [Signature]
Approved as to Form and Legality

OAKLAND CITY COUNCIL

07 APR 15 11:4:30

RESOLUTION No. _____ C.M.S.

JNL

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF REBECCA S. QUICK v. JOSEPH WEST; ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG05223484, IN THE AMOUNT OF \$10,000.00 AS A RESULT OF A TRIP AND FALL ACCIDENT AT OR NEAR 5232 CLAREMONT AVENUE IN OAKLAND ON JUNE 17, 2004. (PUBLIC WORKS SERVICES AGENCY)

WHEREAS, on July 22, 2005, Rebecca S. Quick filed a lawsuit alleging that she tripped and fell in the vicinity of 5232 Claremont Avenue, causing her to sustain personal injuries and medical expenses; and

WHEREAS, on February 26, 2007, Rebecca S. Quick agreed to accept the amount of Ten Thousand Dollars and No Cents (\$10,000.00), 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 Rebecca S. Quick v. Joseph West, et al., City Attorney's File No. 24514, for the sum of Ten Thousand Dollars and No Cents (\$10,000.00); 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 Ten Thousand Dollars and No Cents (\$10,000.00) be payable to Plaintiff Rebecca S. Quick and Brian Larsen, 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