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CITY OF OAKLAND



2013 MAY 23 PM 5:55

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

Office of the City Attorney
Barbara Parker
City Attorney

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June 4, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Charles Toney v. City of Oakland
Alameda County Superior Court Case No. RG12632052
City Attorney File No. 29022 (Public Works Agency – Trip and Fall)

President Kernighan 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 Twelve Thousand Dollars and No Cents (\$12,000.00), payable to plaintiff Charles Toney and his attorney Brian L. Larson.

This action arises out of a November 16, 2011 incident in which Plaintiff Charles Toney suffered personal injuries when he tripped and fell on a City sidewalk at 5157 Fairfax Avenue. This matter was heard in closed session on June 4, 2013.

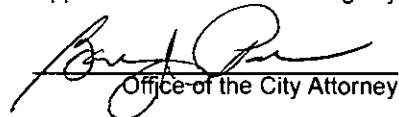
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara Parker'.

BARBARA PARKER
City Attorney

Attorney assigned:
Carolyn O. Tsai

1148607.1


Office of the City Attorney

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

COT:ljb

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CHARLES TONEY v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12632052, CITY ATTORNEY'S FILE NO. 29022, IN THE AMOUNT OF TWELVE THOUSAND DOLLARS AND NO CENTS (\$12,000.00) (PUBLIC WORKS AGENCY – TRIP AND FALL)

WHEREAS, on November 16, 2011 Plaintiff Toney Charles suffered personal injuries when he tripped and fell on a City sidewalk at 5157 Fairfax Avenue, and

WHEREAS, the Plaintiff filed the above entitled lawsuit seeking damages for injuries allegedly sustained in the trip and fall 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; now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of Charles Toney v. City of Oakland, Alameda County Superior Court Case No. RG12632052, City Attorney File No. 29022, for the sum of Twelve Thousand Dollars and No Cents (\$12,000.00) payable to plaintiff Charles Toney and his attorney of record Brian L. Larsen, 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 Dollars and No Cents (\$12,000.00) be made payable to plaintiff Charles Toney and his attorney of record Brian L. Larsen.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, SCHAAF, REID AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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