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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

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

December 21, 2010

HONORABLE CITY COUNCIL
Oakland, California

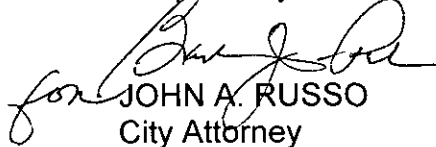
Subject: Marla Lay v. City of Oakland, et al.
Alameda County Superior Court No. RG09-466765
City Attorney File No. 27292 (OPW)

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 compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) payable to Plaintiff Marla Lay and Jack B. Burstein, her attorney.

This action arises from an incident on April 24, 2009 wherein Ms. Lay tripped and fell on an upheaved and cracked portion of sidewalk near 189 John Street. This matter was heard in closed session on December 7, 2010.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned:
JAMES F. HODGKINS

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OAKLAND CITY COUNCIL

James G. ...
Approved as to Form and Legality

RESOLUTION No. _____ C.M.S.

JFH
JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MARLA LAY v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG09-466765 IN THE AMOUNT OF \$150,000.00 AS A RESULT OF A TRIP AND FALL ACCIDENT NEAR 189 JOHN STREET (OFFICE OF PUBLIC WORKS - OPW)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Marla Lay v. City of Oakland, City Attorney's File No. 27292, for the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00); 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 One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) be payable to Plaintiff Marla Lay and Jack B. Burstein, her 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