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CITY OF OAKLAND



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

Office of the City Attorney
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City Attorney

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February 5, 2013

HONORABLE CITY COUNCIL
Oakland, California


Subject: Elmirle Robinson v. City of Oakland, et al.
Alameda County Superior Court No. RG12-617455
City Attorney File No. 28612 (Trip & Fall - OPW)

President Kernighan and Members of the City Council:

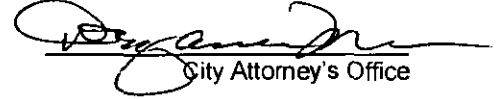
Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) payable to Plaintiff Elmirle Robinson and her attorney Wykeisha Orr.

This action arises from an incident on July 8, 2011, wherein Ms. Robinson was injured as a result of a trip and fall accident occurring in front of the home of co-defendant Nathan Holder located at 865 - 47th Street, City of Oakland. This matter was heard in closed session on February 5, 2013.

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
JAMES F. HODGKINS


City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ELMIRIE ROBINSON v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG12-617455 IN THE AMOUNT OF \$15,000.00 AS A RESULT OF A TRIP AND FALL ACCIDENT ON 47TH STREET. (OPW)

WHEREAS: Elmirie Robinson was injured when she tripped and fell on an uneven and upheaved section of sidewalk at 865 – 47th Street and;

WHEREAS: Ms. Robinson sustained serious injuries requiring medical treatment as a result of this accident; and

WHEREAS: In order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Elmirie Robinson v. City of Oakland, City Attorney's File No. 28612, for the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00); 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 Fifteen Thousand Dollars and No Cents (\$15,000.00) be payable to Plaintiff Elmirie Robinson and her attorney Wykeisha Orr.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2013

PASSED BY THE FOLLOWING VOTE:

AYES- SCHAAF, BROOKS, KAPLAN, GALLO, KALB, GIBSON McELHANEY, REID and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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