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CITY OF OAKLAND



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Office of the City Attorney
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October 2, 2007

HONORABLE CITY COUNCIL
Oakland, California

Subject: Mitchell-Chavez v. City of Oakland
Alameda County Superior Court No. RG05-248338
City Attorney File No. 24802 (Public Works Agency)

President De La Fuente and Members of the City Council:

Pursuant to §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 in the total sum of Fifteen Thousand Dollars (\$15,000), payable to Diana Mitchell-Chavez and Jay Chafetz, her attorney of record. The plaintiff contends that on January 12, 2005, she tripped and fell in the vicinity of College Avenue and Lawton Street, causing her to sustain personal injuries and medical expenses. This settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. Russo', written over the typed name.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Inés Vargas Fraenkel



Approved as to Form and Legality

OFFICE OF THE CITY CLERK
OAKLAND CITY COUNCIL

2007 SEP 27 PM 4:53

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

IVF

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MITCHELL-CHAVEZ V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG05248338, OUR FILE NO. 24802 IN THE AMOUNT OF \$15,000.00 (PUBLIC WORKS) AS A RESULT OF A TRIP AND FALL ACCIDENT IN THE VICINITY OF COLLEGE AVE. AND LAWTON ST., OAKLAND, ON JANUARY 12, 2005.

WHEREAS, on December 23, 2005, Diana Mitchell-Chavez filed a lawsuit alleging that she tripped and fell in the vicinity of College Ave. and Lawton Street, causing her to sustain personal injuries and medical expenses; and

WHEREAS, in June 2007, Diana Mitchell-Chavez agreed to accept the amount of Fifteen Thousand Dollars and No Cents (\$15,000.00), 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 Diana Mitchell-Chavez v. City of Oakland, et al., City Attorney's File No. 24802, 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 Diana Mitchell-Chavez and Jay Chafetz, 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