

**CITY OF OAKLAND**



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Office of the City Attorney  
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City Attorney

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November 18, 2003

**HONORABLE CITY COUNCIL  
Oakland, California**

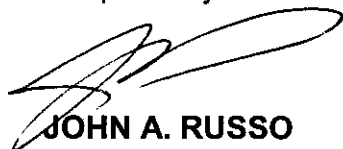
**Subject: *Eula McClure vs. City of Oakland*  
Alameda County Superior Court No. 2001-02670  
Our File No. 20722**

President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney recommends settlement of the above-entitled matter arising out of an alleged dangerous condition of a sidewalk on a city street. Plaintiff Eula McClure was injured on June 13, 2000, when an Oakland Police car rear-ended her vehicle on Interstate 580. Ms. McClure suffered a herniated disk, torn rotator cuff and back injuries.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended for the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00), to be made payable to Ms. Eula McClure and her counsel.

Respectfully submitted,

  
**JOHN A. RUSSO**  
City Attorney

Attorney Assigned:  
RACHEL WAGNER

314234

10.4 cc  
ORA/COUNCIL  
NOV 18 2003

OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

*[Handwritten Signature]*  
RZW/rzw

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF EULA McCLURE V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT NO. 2001-012670, OUR FILE NO. 20722, A PERSONAL INJURY CASE IN THE AMOUNT OF \$45,000.00 (POLICE DEPARTMENT). MS. McCLURE'S VEHICLE WAS REAR-ENDED BY A PATROL CAR WHILE TRAVELING ON INTERSTATE 580 EAST.**

**WHEREAS**, Ms. Eula McClure alleges that on June 13, 2000, her vehicle was rear-ended by a patrol car while traveling on Interstate 580 East, and that she suffered injuries to her neck, back, and shoulder, therefore be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Eula McClure v. City of Oakland, et al., City Attorney's File No. 20722, for a sum not to exceed a total of Forty-Five Thousand Dollars and No Cents (\$45,000.00), to be made payable to Eula McClure and her attorneys of record, Burke & Kessler; and be it

**FURTHER RESOLVED:** That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement; and be it

**FURTHER RESOLVED:** That the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00) be made payable to Eula McClure and Burke & Kessler, her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

10.4 CC  
ORA/COUNCIL  
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