CITY OF OAKLAND

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March 4, 2008

HONORABLE CITY COUNCIL
Oakland, California

> Subject: *Pickering v. City of Oakland*
> **Alameda County Superior Court Case No. VG 07313288**
> **File No. 25519 – Office of Public Works –**
> **Premises Liability – Trip and Fall**

President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends adoption of a resolution authorizing compromise and settlement of the plaintiff's claims in the above-entitled lawsuit for the Twenty Thousand Dollars ($20,000.00) to be made payable to plaintiff Michael Pickering and Brian McCarthy, Esq., his attorney.

This action arises out of a trip and fall on the sidewalk in front of the Kaiser hospital at 280 W. MacArthur Boulevard on March 24, 2006. The settlement is recommended to avoid the risk of an adverse trial result and potentially greater economic exposure for the City.

Respectfully submitted,

JOHN A. RUSSO
City Attorney

434273

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 FEB 2 **OAKLAND CITY COUNCIL**

RESOLUTION NO. _____ C.M.S.

GYL

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY
ATTORNEY TO COMPROMISE AND SETTLE THE CASE
OF MICHAEL PICKERING v. CITY OF OAKLAND,
SUPERIOR COURT, COUNTY OF ALAMEDA, CASE NO.
VG07313288, IN THE AMOUNT OF $20,000.00 AS A
RESULT OF TRIP AND FALL ON THE SIDEWALK AT 280
W. MACARTHUR BOULEVARD (PUBLIC WORKS
AGENCY – PREMISES LIABILITY)**

RESOLVED: That the City Attorney is authorized and directed to compromise
and settle the case of Michael Pickering v. City of Oakland, et al., City Attorney's File
No. 25519, for the sum of Twenty Thousand Dollars and No Cents ($20,000.00); 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 Twenty Thousand Dollars and No
Cents ($20,000.00) be payable to Michael Pickering and Brian McCarthy, Esq., his
attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA.

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST:_____

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

434274