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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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May 4, 2004

HONORABLE CITY COUNCIL
Oakland, California

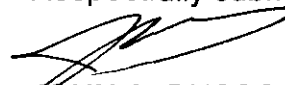
Subject: *Juliet A. Borsah v. City of Oakland, et al*
Alameda County Superior Court Case No. 2002-052027
Our File No. 22386 – Public Works Agency –
Premises Liability/Trip & Fall

Dear 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 settlement of the above-entitled matter which arises from an incident on May 23, 2001, in which plaintiff tripped and fell on a severely deteriorated sidewalk on Fairmount Avenue in Oakland.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of Forty-Seven Thousand Five Hundred Dollars and No Cents (\$47,500), to be made payable to Juliet Borsah and Joseph E. Tomasik, Esq., her attorney.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned:
Peter Hallifax
321072

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COUNCIL

MAY 4 2004

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.



PH/aah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JULIET A. BORSAH v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. 2002-052027, OUR FILE NO. 22386, IN THE AMOUNT OF \$47,500.00. (OFFICE OF PUBLIC WORKS, SIDEWALK TRIP AND FALL)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Juliet A. Borsah v. City of Oakland, et al., United States District Court Case No. 2002-052027, City Attorney's File No. 22386, for a sum not to exceed a total of Forty-Seven Thousand Five Hundred Dollars and No Cents (\$47,500.00) payable by the City of Oakland to Juliet A. Borsah and Joseph E. Tomasik, Esq., her attorney of record.

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-Seven Thousand Five Hundred Dollars and No Cents (\$47,500.00) be paid to Juliet A. Borsah and Joseph E. Tomasik., Esq., her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

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

321135

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COUNCIL

MAY 4 2004