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CITY OF OAKLAND



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June 7, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Larry Lewis v. City of Oakland, et al.*
Alameda County Superior Court No. RG14750988
City Attorney File No. 30027
(Oakland Public Works – Dangerous Condition)


President Reid and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of the resolution authorizing compromise and settlement of the above-entitled claim for the sum of Thirty-Two Thousand Five Hundred Dollars and Zero Cents (\$32,500.00), to be paid to the "Scranton Law Firm and Larry Lewis".

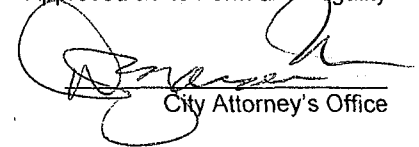
This matter arises from a motorcycle collision with a pedestrian refuge located near the intersection of 84th Avenue and MacArthur Boulevard on October 19, 2013. Plaintiff contends that the pedestrian refuge was improperly designed and/or constructed.

The Council authorized settlement of this case in Closed Session on Tuesday, May 17, 2016 (moved by Councilmember Larry Reid and seconded by Councilmember Rebecca Kaplan - 7 Ayes, 1 Absent – Councilmember Annie Campbell-Washington).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
Michelle M. Meyers



City Attorney's Office

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LARRY LEWIS V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14750988, CITY ATTORNEY'S FILE NO. 30027, IN THE AMOUNT OF THIRTY-TWO THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$32,500.00) (PUBLIC WORKS – DANGEROUS CONDITION)

WHEREAS, Plaintiff Larry Lewis alleges that his motorcycle crash was caused by a dangerous condition near the intersection of 84th Avenue and MacArthur Boulevard;

WHEREAS, Plaintiff Larry Lewis filed the above referenced action to recover monetary damages; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Larry Lewis' claim against it for the sum of Thirty-Two Thousand and Five Hundred Dollars and No Cents (\$32,500.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Larry Lewis v. City of Oakland, Alameda County Superior Court Case No. RG14750988, City Attorney's File No. 30027, for a sum not to exceed Thirty-Two Thousand and Five Hundred Dollars and No Cents (\$32,500.00) payable by the City of Oakland; and be it

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

FURTHER RESOLVED: That the sum of Thirty-Two Thousand and Five Hundred Dollars and No Cents (\$32,500.00) be payable to the "Scranton Law Firm and Larry Lewis".

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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