

*Burton J. Park*

Approved as to Form and Legality

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**OAKLAND CITY COUNCIL**

2011 SEP -7 AM 11:40

RESOLUTION NO. 83542 - C.M.S.

COT:csa

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BRIAN O'GUINN v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG09486355, CITY ATTORNEY'S FILE NO. 27262, IN THE AMOUNT OF TWELVE THOUSAND AND FIVE HUNDRED DOLLARS (\$12,500.00). (PWA)**

**WHEREAS**, on March 3, 2009, Plaintiff Brian O'Guinn tripped and fell on a sidewalk and suffered personal injuries and has filed a lawsuit alleging that a dangerous condition of public property caused the accident, and

**WHEREAS**, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; and now therefore, be it

**RESOLVED**: that the City Attorney is authorized and directed to settle the matter of Brian O'Guinn v. City of Oakland, Alameda County Superior Court Case No. RG09486355, City Attorney File No. 27262, for the sum of twelve thousand and five hundred dollars (\$12,500), payable to Brian O'Guinn and his attorney, Thomas H. LemMon; 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 twelve thousand and five hundred dollars (\$12,500) be made payable to Brian O'Guinn and his attorney, Thomas H. LemMon.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 20 2011, 2011

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, and PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

*Latonda Simmons*  
ATTEST:

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