

FILED
OFFICE OF THE CITY ATTORNEY
OAKLAND

16 OCT -6 PM 4:02

CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

October 18, 2016

HONORABLE CITY COUNCIL
Oakland, California

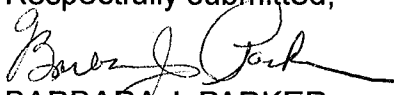
**Subject: Herb Levine v. City of Oakland
Alameda County Superior Court No. RG15-769001
City Attorney File No. 30295
(Public Works – Dangerous Condition)**

President Gibson-McElhaney and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Ten Thousand Dollars and No Cents (\$10,000.00) payable to Plaintiff Herb Levine and his attorney Jannik Catalano.

This action arises from an incident on June 6, 2014, when Plaintiff allegedly tripped and fell over an elevated sidewalk panel on Broadway between 21st St. and 22nd St., sustaining a closed fracture to him arm.

The Council authorized settlement of this case in Closed Session on Tuesday, October 4, 2016 (moved by Councilmember Kaplan and seconded by Councilmember Reid – 7 Ayes, 1 Absent - Councilmember Gallo).

Respectfully submitted,

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Christina Lum

16 OCT -6 PM 4: 09

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF HERB LEVINE v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE RG15769001 IN THE AMOUNT OF TEN THOUSAND DOLLARS AND NO CENTS (\$10,000.00) AS A RESULT OF TRIP AND FALL PERSONAL INJURY ON JUNE 6, 2014 (OAKLAND PUBLIC WORKS - DANGEROUS CONDITION)

WHEREAS, Mr. Herb Levine was injured when he tripped and fell on a City sidewalk on Broadway between 21st St. and 22nd St., in Oakland on June 6, 2014; and

WHEREAS, Mr. Levine allegedly sustained injuries requiring medical treatment as a result of this accident; and

WHEREAS, Alameda County Superior Court Actions RG15769001 was filed against the City of Oakland alleging a dangerous condition of public property; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Herb Levine's claim against it for the sum of Ten Thousand Dollars and No Cents (\$10,000.00); and

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Herb Levine v. City of Oakland, Alameda County Superior Court, Case no. RG15769001, City Attorney's File No. 30295, for the sum of Ten Thousand Dollars and No Cents (\$10,000.00); 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.

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