

OAKLAND CITY COUNCIL

11 OCT -6 PM 2: 22

RESOLUTION No. 83586 C.M.S.

CEV

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DESIREE GUTIERREZ v. BAY AREA RAPID TRANSIT DISTRICT AND THE CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG09-472656, IN THE AMOUNT OF ONE HUNDRED FOUR THOUSAND, THREE HUNDRED FIFTY THREE DOLLARS AND FORTY ONE CENTS (\$104,353.41) AS A RESULT OF A TRIP AND FALL ACCIDENT AT THE ENTRANCE TO THE LAKE MERRITT STATION ON MARCH 20, 2009 (PUBLIC WORKS AGENCY)

WHEREAS: Desiree Gutierrez was injured when she tripped and fell over an uneven portion of the sidewalk as she approached the Lake Merritt BART station entrance; and

WHEREAS: Ms. Gutierrez sustained serious injuries requiring medical treatment as a result of this accident; and

WHEREAS: In order to avoid the risk of an adverse jury verdict under the circumstances;

NOW, THEREFORE, BE IT RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Desiree Gutierrez v. B.A.R.T. and City of Oakland, City Attorney's File No. 27318, for the sum of One Hundred Four Thousand, Three Hundred Fifty Three Dollars and Forty One Cents (\$104,353.41); 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 One Hundred Four Thousand, Three Hundred Fifty Three Dollars and Forty One Cents (\$104,353.41) be payable to Plaintiff Desiree Gutierrez and Scott H. Z. Sumner, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 18 2011, 2011

PASSED BY THE FOLLOWING VOTE:

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

NOES- 0
ABSENT- 0
ABSENTION- 0

Attest: *LaTonda Simmons*
LaTonda Simmons
City Clerk and Clerk of the Council
Of the City of Oakland, California