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CITY OF OAKLAND



09 JUL -9 PM 2:36

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July 21, 2009

HONORABLE CITY COUNCIL

Oakland, California

**Re: Barnabus Fairfield, et. al. v. City of Oakland
Alameda County Superior Court No. RG07304706
City Attorney File No. 25935**

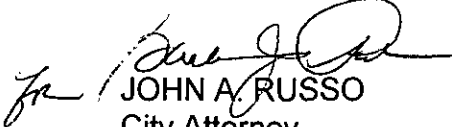
President Brunner and Members of the City Council:

Pursuant to §401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action in the total amount of amount of Thirty Three Thousand Dollars, (\$33,000), payable to Barnabus Fairfield, Dion Lefall, Eddie King, and George Louie and their attorneys, the Law Offices of Morse Mehrban, and adoption of a revised Curb Ramp Transition Plan.

The plaintiffs are persons with disabilities who claim that they were denied sidewalk access at various intersections because the City failed to install curb ramps as required by California law.

This settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict and was presented to Council in Closed Session on October 21, 2008.

Respectfully submitted,

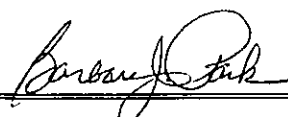

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Stephen Q. Rowell

OAKLAND CITY COUNCIL

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RESOLUTION NO. _____ C.M.S.



2009 JUL -9 PM 5:12

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF BARNABUS FAIRFIELD, ET AL. V. THE CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT NO. RG07304706, OUR FILE NO. 25935, IN THE AMOUNT OF THIRTY-THREE THOUSAND DOLLARS (\$33,000.00) AND FURTHER AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO ADOPT OF A REVISED CURB RAMP TRANSITION PLAN. THIS CASE INVOLVES ALLEGED DISCRIMINATION DUE TO DENIAL OF SIDEWALK ACCESS. (PWA)

WHEREAS: Barnabus Fairfield, Dion Lefall, Eddie King, and George Louie claim that they were denied access due to the lack of sidewalk curb ramps at various locations in the City of Oakland;

WHEREAS: Settlement is recommended as a compromise of this matter and to avoid a potentially adverse jury verdict.

RESOLVED: That the City Attorney is authorized and directed to settle the case of Barnabus Fairfield, et al. v. City of Oakland, et. al., Alameda County Superior, Court, No. RG07304706, our file no. 25935, in the amount of Thirty-Three Thousand Dollars payable to Barnabus Fairfield, Dion Lefall, Eddie King, and George Louie and their attorneys, the Law Offices of Morse Mehrban. Further, the City Administrator is authorized to adopt a revised Curb Ramp Transition Plan.

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

FURTHER RESOLVED: That the City Attorney is authorized and directed to settle the case of Barnabus Fairfield, et al. v. City of Oakland, et. al., Alameda County Superior, Court, No. RG07304706, our file no. 25935, in the amount of Thirty-Three Thousand Dollars payable to Barnabus Fairfield, Dion Lefall, Eddie King, and George Louie and their attorneys, the Law Offices of Morse Mehrban. Further, the City Administrator is authorized to adopt a revised Curb Ramp Transition Plan settle the claims in this lawsuit.

IN COUNCIL, OAKLAND, CALIFORNIA.

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE KAPLAN, KERNIGHAN, NADEL, QUAN, REID AND PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

Attest: _____

LATONDA SIMMONS
CITY CLERK AND CLERK OF THE COUNCIL