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CITY OF OAKLAND



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May 7, 2019

HONORABLE CITY COUNCIL
Oakland, California

Subject: Mario Moore v. City of Oakland
Alameda County Superior Court Case No. RG17885806
City Attorney File No. 32233
(Department of Transportation - Sidewalk)

President Kaplan and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of Fifty Three Thousand Thirty Dollars and Forty-Two Cents (\$53,030.42), payable to Mario Moore.

On April 4, 2017, Mr. Moore tripped on uneven sidewalk on the north side of the 800 block of West Grand Avenue (between Curtis Street and West Street). He sustained a left traverse patella fracture with displacement. He underwent open reduction internal fixation (DRIP) surgery and was in a cast for six weeks. His medical bills were \$45,193.45.

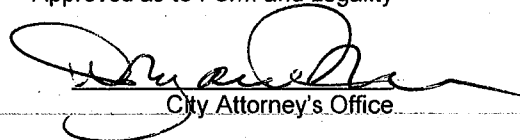
The Council authorized settlement of this case in Closed Session on Tuesday, April 16, 2019 (moved by Councilmember Loren Taylor and seconded by Councilmember Noel Gallo - 7 Ayes, 0 Noes, 1 Absent – Councilmember Lynette Gibson McElhaney).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Assigned Attorney:
Maria Bee

19 APR 25 PM 4: 29


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 MARIO MOORE v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG17885806, IN THE AMOUNT OF FIFTY THREE THOUSAND THIRTY DOLLARS AND FORTY-TWO CENTS (\$53,030.42) (DEPARTMENT OF TRANSPORTATION – SIDEWALK)

WHEREAS, Mario Moore alleges that on April 4, 2017, he tripped on uneven sidewalk on the north side of the 800 block of West Grand Avenue (between Curtis Street and West Street); and

WHEREAS, Mr. Moore alleges that he sustained a left traverse patella fracture with displacement, underwent open reduction internal fixation surgery and was in a long-leg cast for six weeks; and

WHEREAS, Mr. Moore's medical expenses were \$45,193.45; and

WHEREAS, Mr. Moore sued the City alleging a dangerous condition of public property where he fell, and has agreed to settle his lawsuit for a settlement payment of \$53,030.42; and

WHEREAS, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Mario Moore v. City of Oakland, et al., Alameda County Superior Court Case No. RG17885806, City Attorney's File No. 32233, for the sum of Fifty Three Thousand Thirty Dollars and Forty-Two Cents (\$53,030.42); and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Mario Moore and his counsel; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR,
THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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