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CITY OF OAKLAND



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Office of the City Attorney
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December 20, 2011

HONORABLE CITY COUNCIL
Oakland, California

Subject: Patricia Harper v. City of Oakland
Alameda County Superior Court No. RG10-535800
City Attorney File No. 27308 (Public Works Agency - trip and fall)

President Reid 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 City Attorney to compromise and settle the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Eighteen Thousand Dollars and No Cents (\$18,000.00) payable to Plaintiff Patricia Harper and Michael I. Dorshkind, her attorney.

This action arises from a trip and fall accident on May 16, 2009. Ms. Harper was injured when she tripped and fell in an open tree well within the sidewalk. Ms. Harper sustained injuries requiring medical treatment as a result of this accident. This matter was not heard in closed session.

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
Outside Counsel

Approved as to Form and Legality

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PATRICA HARPER v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10-535800, IN THE AMOUNT OF EIGHTEEN THOUSAND DOLLARS AND NO CENTS (\$18,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON THIRD STREET NEAR ADELINE & MAGNOLIA STREET ON MAY 16, 2009 (PUBLIC WORKS AGENCY)

WHEREAS: Patricia Harper was injured when she tripped and fell in an open tree well within the sidewalk; and

WHEREAS: Ms. Harper 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 Patrica Harper v. City of Oakland, City Attorney's File No. 27308, for the sum of Eighteen Thousand Dollars and No Cents (\$18,000.00); 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; and be it

FURTHER RESOLVED: That the sum of Eighteen Thousand Dollars and No Cents (\$18,000.00) be payable to Plaintiff Patricia Harper and Michael I. Dorshkind, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

- AYES- DE LA FUENTE, KERNIHGAN, NADEL, BRUNNER, SCHAFF, BROOKS, KAPLAN and PRESIDENT REID
- NOES-
- ABSENT-
- ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California