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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 15, 2019

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Susan Schacher v. City of Oakland, et al.
Alameda County Superior Court No. RG17886477
City Attorney File No. 31531
(Department of Public Works –
Dangerous Condition of Public Property)**

President Larry 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 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 Fifty Thousand Dollars and No Cents (\$50,000.00) payable to Susan Kang Gordon, Esq. on behalf of Susan Schacher.

This action arises from an incident on June 16, 2016, wherein Plaintiff Susan Schacher (76-years-old) alleges that she tripped and fell over a raised tree grate on the sidewalk in front of 3525 MacArthur Boulevard. Plaintiff claims that she suffered a fractured elbow and soft-tissue injuries to her knee.

The Council authorized settlement of this case in Closed Session on Tuesday, October 1, 2019 (moved by Vice Mayor Larry Reid and seconded by Councilmember Loren Taylor - 7 Ayes, 1 Absent – Councilmember Noel Gallo).

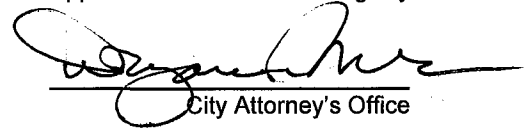
Respectfully submitted,

A handwritten signature in black ink, which appears to read "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Christina Lum

2747987v1


City Attorney's Office

2019 OCT -3 PM 5: 51 OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SUSAN SCHACHER v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG17886477, IN THE AMOUNT OF FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON JUNE 16, 2016 (DEPARTMENT OF PUBLIC WORKS - DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff Susan Schacher (76-years-old) alleges that she tripped and fell over a raised tree grate on the sidewalk in front of 3525 MacArthur Boulevard. Plaintiff claims that she suffered a fractured elbow and soft-tissue injuries to her knee.

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

WHEREAS, Alameda County Superior Court Action RG17886477 was filed against the City of Oakland alleging negligence; 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 Susan Schacher v. City of Oakland, RG17886477, City Attorney's File No. 31531, for the sum of Fifty Thousand Dollars and No Cents (\$50,000.00); 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: 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