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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

July 30, 2015

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Laura Becerra v. New Empire Investment, LLC, City of Oakland
Alameda County Superior Court No. RG14-740036
City Attorney File No. 30156
(Oakland Public Works – Dangerous Condition)**


President Gibson-McElhaney 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 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 Twenty Thousand Dollars and No Cents (\$20,000.00) payable to Plaintiff Laura Becerra and her attorney Thomas G. Lewellyn.

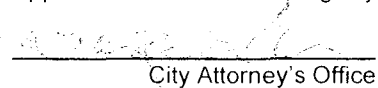
This action arises from an incident on January 22, 2014, wherein Ms. Becerra tripped and fell in on a metal hinge to a private elevator door opening located in the sidewalk adjacent to 1441 Franklin Street in Oakland. Ms. Becerra suffered injuries requiring medical treatment.

The City Council authorized settlement of this case in Closed Session on Tuesday, July 21, 2015 (moved by Councilmember Gallo and seconded by Councilmember Kaplan - 6 Ayes, 2 Absent – Brooks and Campbell-Washington).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
Charles E. Vose


City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LAURA BECERRA V. NEW EMPIRE INVESTMENT, LLC, CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14-740036, IN THE AMOUNT OF TWENTY THOUSAND DOLLARS AND NO CENTS (\$20,000.00) AS A RESULT OF A TRIP AND FALL INCIDENT ON OR ABOUT JANUARY 22, 2014 (OAKLAND PUBLIC WORKS – DANGEROUS CONDITION)

WHEREAS, Laura Becerra was injured when she tripped and fell on a metal hinge to a private elevator door opening located in the sidewalk near 1441 Franklin Street in the City of Oakland on January 22, 2014; and

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

WHEREAS, Alameda County Superior Court Action RG14-740036 was filed against New Empire Investment, LLC, the adjacent property owner, and the City of Oakland alleging negligence, premises liability and a dangerous condition of public property; 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 Laura Becerra v. New Empire Investment, LLC, City of Oakland, RG14-740036, City Attorney's File No. 30156, for the sum of Twenty Thousand Dollars and No Cents (\$20,000.00); 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 Twenty Thousand Dollars and No Cents (\$20,000.00) be payable to Plaintiff Laura Becerra and her attorney Thomas G. Lewellyn.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY

NOES:

ABSENT:

ABSTENTION:

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