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CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
John Russo  
City Attorney

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December 8, 2009

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Clyde Parker v. City of Oakland; et al.**  
**Alameda County Superior Court No. RG07-358091**  
**City Attorney File No. 25856 (Public Works Agency – Trip and Fall)**

President Brunner 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 action for the sum of Thirty Eight Thousand Two Hundred Eighty Nine Dollars and No Cents (\$38,289.00) payable to Plaintiff Clyde Parker and Steven R. Jacobsen, Esq., his attorney.

This action arises out of plaintiff's trip and fall on the sidewalk in front of 1100 Market Street on November 7, 2006. Co-defendant Beth Eden Housing Development is contributing \$37,500.00 to the settlement for a total of \$ 75,789.00. The settlement is recommended to avoid the risk of an adverse trial result and potentially greater economic exposure for the City. This matter was heard in closed session on November 17, 2009.

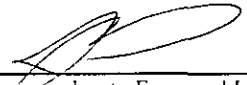
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John A. Russo', written over a horizontal line.

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
JENNIFER N. LOGUE

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Approved as to Form and Legality

OAKLAND CITY COUNCIL

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RESOLUTION No. \_\_\_\_\_ C.M.S.

JAR:JNL

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CLYDE PARKER v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG07-358091, IN THE AMOUNT OF \$38,289.00 AS A RESULT OF A TRIP AND FALL ACCIDENT AT OR NEAR 1100 MARKET STREET. (PUBLIC WORKS AGENCY)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Clyde Parke v. City of Oakland, City Attorney's File No. 25826, for the sum of Thirty Eight Thousand Two Hundred Eighty Nine Dollars and No Cents (\$38,289.00); 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 Thirty Eight Thousand Two Hundred Eighty Nine Dollars and No Cents (\$38,289.00) be payable to Plaintiff Clyde Parker and Steven R. Jacobsen, Esq. his attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_

**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  
of the City of Oakland, California