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CITY OF OAKLAND



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Office of the City Attorney
John A. Russo
City Attorney

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June 1, 2004

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Thina Faison v. City of Oakland, et al*
Alameda County Superior Court Case No. 2002-073207
Our File No. 22263 – Office of Public Works –
Premises Liability – Trip and Fall

Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends adoption of a resolution recommending settlement of the above-entitled matter arising from an incident occurring on April 20, 2002, in which plaintiff disembarked from an AC Transit bus, stepped onto the street and fell into a hole in the street surface on Fruitvale Avenue. This matter was approved by the Council at the May 18, 2004 closed session.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of Eleven Thousand Dollars and No Cents (\$11,000.00), to be made payable to Thina Faison and Kathryn D. Cox, Esq., her attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Peter Hallifax

322110

10.8CC
ORA/COUNCIL
JUN 1 2004

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.



PH/aah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF THINA FAISON v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. 2002-073207, OUR FILE NO. 22472, IN THE AMOUNT OF \$11,000.00. (OFFICE OF PUBLIC WORKS, TRIP AND FALL IN STREET)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Thina Faison v. City of Oakland, et al., Alameda County Superior Court Case No. 2002-073207, City Attorney's File No. 22472, for a sum not to exceed a total of Eleven Thousand Dollars and No Cents (\$11,000.00) payable by the City of Oakland to Thina Faison and Kathryn D. Cox, Esq., her attorney of record.

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

FURTHER RESOLVED: That the sum of Eleven Thousand Dollars and No Cents (\$11,000.00) be paid to Thina Faison and Kathryn D. Cox, Esq., her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

322133

10.8CC
ORA/COUNCIL
JUN 1 2004