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SEP -2 PM 2:10

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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September 22, 2009

HONORABLE CITY COUNCIL
Oakland, California

Subject: Patricia Acosta v. City of Oakland
Alameda County Superior Court No. RG08-412026
City Attorney File No. 26704 (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 Sixteen Thousand Five Hundred Dollars and No Cents (\$16,500.00) payable to Plaintiff Patricia Acosta and Andrew Wolff, Esq., her attorney.

This action arises out of a trip and fall accident on the Lake Merritt walking path on February 9, 2008. The settlement is recommended to avoid the risk of an adverse trial result and potentially greater economic exposure for the City. This matter was not discussed in closed session.

Respectfully submitted,

A handwritten signature in cursive script that reads "John A. Russo".

JOHN A. RUSSO
City Attorney

Attorney Assigned:
JENNIFER N. LOGUE

OFFICE OF THE CITY CLERK
OAKLAND
OAKLAND CITY COUNCIL

09 SEP -2 PM 3:10

RESOLUTION No. _____ C.M.S.

JAR:JNL *AWH*

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PATRICIA ACOSTA v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG08-412026, IN THE AMOUNT OF \$16,500.00 AS A RESULT OF A TRIP AND FALL ACCIDENT ON THE LAKE MERITT WALKING PATH. (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Patricia Acosta v. City of Oakland, City Attorney's File No. 26704, for the sum of Sixteen Thousand Five Hundred Dollars and No Cents (\$16,500.00); 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 Sixteen Thousand Five Hundred Dollars and No Cents (\$16,500.00) be payable to Plaintiff Patricia Acosta and Andrew Wolff, Esq, her 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