

OFFICE OF THE CITY ATTORNEY  
CITY OF OAKLAND

## CITY OF OAKLAND



2006 MAR 22 PM 12:28

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Office of the City Attorney  
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April 4, 2006

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: *County of Alameda v. City of Oakland, et al***  
**Alameda County Superior Court Case No. RG05-200248**  
**Our File No. X02621 – Office of Public Works –**  
**Trip and Fall on Deteriorated Portion of Sidewalk**

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 settlement of the above-entitled matter arising from an incident on April 29, 2003, in which plaintiff's employee Ayana Cutright tripped and fell in a large hole in the sidewalk on 45<sup>th</sup> Street. This matter was presented to council in closed session on March 7, 2006

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of Forty-Five Thousand Dollars and No Cents (\$45,000) to be made payable to County of Alameda and Ronald L. Briggs, Esq., its attorney.

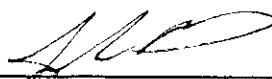
Respectfully submitted,

  
JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Peter Hallifax

356986

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND



Oakland City Attorney's Office

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## OAKLAND CITY COUNCIL

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

PH:aah

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF COUNTY OF ALAMEDA v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG05-200248, OUR FILE NO. X02621 IN THE AMOUNT OF \$45,000.00. THIS CASE INVOLVES A TRIP AND FALL ACCIDENT ON A DETERIORATED PORTION OF THE SIDEWALK (PUBLIC WORKS AGENCY)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of County of Alameda v. City of Oakland, Alameda County Superior Court Case No. RG05-200248, City Attorney's File No. X02621, for a sum not to exceed a total amount of Forty-Five Thousand Dollars and No Cents (\$45,000.00) payable to the County of Alameda and Ronald L. Briggs, Esq., its attorney.

**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 Forty-Five Thousand Dollars and No Cents (\$45,000.00) be paid to the County of Alameda and Ronald L. Briggs, Esq., its attorney.

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

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California