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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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May 3, 2011

HONORABLE CITY COUNCIL  
Oakland, California

Subject: Evelyn Belnavis v. City of Oakland, et al.  
Alameda County Superior Court No. RG09-489228  
City Attorney File No. 26877 (OPW)

President Reid 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. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Ninety Thousand Dollars and No Cents (\$90,000.00) payable to Plaintiff Evelyn Belnavis and Robert E. Barnett, her attorney.

This action arises from an incident on October 1, 2008, wherein Ms. Belnavis tripped and fell over a portion of upraised sidewalk near 721 W. MacArthur Blvd. This matter was heard in closed session on April 5, 2011.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John A. Russo', written in a cursive style.

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
JAMES F. HODGKINS

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*James J. Hoff*  
Approved as to Form and Legality

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

*JFH*  
JFH

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF EVELYN BELNAVIS v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG09-489228 IN THE AMOUNT OF \$90,000.00 AS A RESULT OF A TRIP AND FALL ACCIDENT AT NEAR 721 W. MACARTHUR BLVD. (OFFICE OF PUBLIC WORKS - OPW)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Evelyn Belnavis v. City of Oakland, City Attorney's File No. 26877, for the sum of **Ninety Thousand Dollars and No Cents (\$90,000.00)**; 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 **Ninety Thousand Dollars and No Cents (\$90,000.00)** be payable to Plaintiff **Evelyn Belnavis** and **Robert E. Barnett**, her attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

**PASSED BY THE FOLLOWING VOTE:**

- AYES- DE LA FUENTE, KERNIHGAN, NADEL, BRUNNER, SCHAAF, BROOKS, KAPLAN and PRESIDENT REID
- NOES-
- ABSENT-
- ABSTENTION-

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