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ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CA

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Office of the City Attorney  
Barbara J. Parker  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TDD: (510) 839-6451

May 15, 2012

HONORABLE CITY COUNCIL – CONSENT CALENDAR  
Oakland, California


Subject: **Noralinda Bautista v. City of Oakland**  
**Alameda County Superior Court No. RG010533188**  
**Our Case No. 27895 (Public Works Agency – Trip and Fall)**

President Reid and Members of the City Council:

Pursuant to Section 40l 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 Twenty-Four Thousand Dollars and No Cents (\$24,000.00), payable to plaintiff **Noralinda Bautista** and **Stephen H. Cornet**, her attorney of record.

This action arises from a trip and fall accident on **May 3, 2010**. This action was not discussed in Closed Session.

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Outside Counsel  
Randolph W. Hall  
953254

12 MAY -2 PM 3:08 OAKLAND CITY COUNCIL

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

RWH

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF NORALINDA BAUTISTA v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10533188, IN THE AMOUNT OF \$24,000.00 AS A RESULT OF A TRIP AND FALL ACCIDENT. (PUBLIC WORKS AGENCY – TRIP AND FALL)**

**WHEREAS**, plaintiff Noralinda Bautista has filed the above-referenced lawsuit seeking damages arising out of her alleged May 3, 2010 trip and fall accident; and

**WHEREAS**, without admitting liability of the City of Oakland, the City Council of the City of Oakland finds that it is in the City interest to settle the above-referenced lawsuit in the amount set forth in this resolution; **THEREFORE, BE**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Noralinda Bautista v. City of Oakland, Alameda County Superior Court Case No. **RG10533188**, for the sum of Twenty-Four Thousand Dollars and No Cents (\$24,000.00); 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 Twenty-Four Thousand Dollars and No Cents (\$24,000.00) be made payable to Plaintiff Noralinda Bautista and Stephen H. Cornet, her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2012

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