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CITY OF OAKLAND



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October 7, 2014

HONORABLE CITY COUNCIL
Oakland, California

**Subject: John Dalton v. City of Oakland
U.S.D.C. Northern District of California No. C13-0497 EDL
City Attorney File No. 29316
Public Works Department/Office of Parks and Recreation –
American Disabilities Act (ADA) Access**

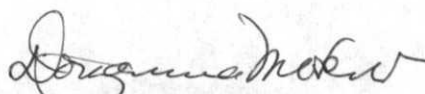
President Kernighan and Members of the City Council:

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 claim for the sum of Ninety Five Thousand Dollars and no Cents (\$95,000.00), payable to Paul L. Rein in Trust for John Dalton.

This action arises out of the above-referenced action, in which Plaintiff John Dalton, a disabled individual, alleges he encountered legally non-compliant parking and paths of travel in Lakeside Park on September 2 and 22, 2012.

The Council authorized settlement of this case in Closed Session on Tuesday, September 23, 2014 (moved by Councilmember Larry Reid and seconded by Councilmember Noel Gallo – 8 Ayes).

Respectfully submitted,

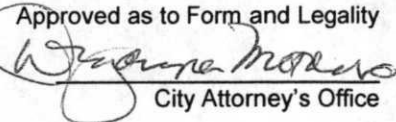

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Arlene M. Rosen

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Approved as to Form and Legality

City Attorney's Office

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JOHN DALTON v. CITY OF OAKLAND, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA NO. C13-0497 EDL, CITY ATTORNEY'S FILE NO. 29316 IN THE AMOUNT OF NINETY-FIVE THOUSAND DOLLARS (\$95,000.00) (PUBLIC WORKS DEPARTMENT/OFFICE OF PARKS AND RECREATION - AMERICAN DISABILITIES ACT (ADA) ACCESS

WHEREAS, Plaintiff John Dalton alleges he was denied legally compliant disabled parking and access at Lakeside Park on September 2, 2012 and September 22, 2012; and

WHEREAS, Plaintiff John Dalton filed the above-referenced action to recover monetary damages for denial of legally compliant disabled access to him; and

WHEREAS, the City Council has determined to compromise and settle Plaintiff John Dalton's claims against it for monetary damages, attorneys' fees and costs for the sum of Ninety-five Thousand Dollars and No Cents (\$95,000.00); and

WHEREAS, the City has agreed to perform injunctive relief pursuant to agreement of the parties to improve disabled access at Lakeside Park; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of John Dalton. v. City of Oakland, United States District Court, Northern District of California Case No. C13-0497 EDL for a sum not to exceed Ninety-five Thousand Dollars and No Cents (\$95,000.00) payable by the City of Oakland; and be it

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 Ninety-five Thousand Dollars and No Cents (\$95,000.00) be paid to Paul Rein in Trust for John Dalton.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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