

15 APR -9 PM 2:44

CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara J. Parker  
City Attorney

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

April 21, 2015

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Clifton Raines v. City of Berkeley, et al.  
Alameda County Superior Court No. RG13-686968  
City Attorney File No. 29409  
(OPW – Dangerous Condition/Trip & Fall)**


President Gibson-McElhaney and Members of the City Council:

Pursuant to Section 401 of the City 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 Ten Thousand Dollars and No Cents (\$10,000.00) payable to Plaintiff Clifton Raines and his attorneys The Law Office of Michael Wohlstadter.

This action arises from an incident on October 15, 2012, wherein Mr. Raines tripped and fell in a privately owned drain line clean-out box located in the public sidewalk adjacent to 6720 San Pablo Avenue in Oakland, a Sherwin Williams paint store. Mr. Raines suffered broken bones in his feet, requiring medical treatment.

The City Council authorized settlement of this case in Closed Session on Tuesday, April 21, 2015.

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Charles E. Vose

  
City Attorney's Office

15 APR -9 PM 2:44

## OAKLAND CITY COUNCIL

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

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CLIFTON RAINES v. CITY OF BERKELEY, CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13-686968, IN THE AMOUNT OF TEN THOUSAND DOLLARS AND NO CENTS (\$10,000.00) AS A RESULT OF A TRIP AND FALL INCIDENT ON OR ABOUT OCTOBER 15, 2012 (PWA – DANGEROUS CONDITION/TRIP & FALL)**

**WHEREAS**, Clifton Raines was injured when he tripped and fell on the sidewalk adjacent to 6720 San Pablo Avenue in the City of Oakland on October 15, 2012; and

**WHEREAS**, Mr. Raines sustained injuries requiring medical treatment as a result of this accident; and

**WHEREAS**, Alameda County Superior Court Action RG13-686968 was filed against the City of Oakland, the City of Berkeley, the adjacent property owner Cristin Schatz, and her tenant The Sherwin Williams Company alleging negligence, premises liability and a dangerous condition of public property; and

**WHEREAS**, In order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Clifton Raines v. City of Berkeley, City of Oakland, et al, RG13-686968, City Attorney's File No. 29409, for the sum of Ten Thousand Dollars and No Cents (\$10,000.00); 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 Ten Thousand Dollars and No Cents (\$10,000.00) be payable to Plaintiff Clifton Raines and his attorneys The Law Office of Michael Wohlstadter.

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT GIBSON  
MCELHANEY

NOES:

ABSENT:

ABSTENTION:

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

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