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May 5, 2015

HONORABLE CITY COUNCIL
Oakland, California

Subject: Yolanda Cobbs and Michelle Lee v. City of Oakland
Alameda Superior Court Case No. RG14720182
City Attorney File No. 29719
(Oakland Public Works –Trip and Fall)

President McElhaney 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 Fifty-Two Thousand Dollars and no Cents (\$52,000.00) divided between the parties: Forty-Nine Thousand Dollars and no Cents (\$49,000.00) payable to Yolanda Cobbs and Michael F. Wohlstadter, her attorney of record, and Three Thousand Dollars and No Cents (\$3,000.00) payable to Michelle Lee and Michael F. Wohlstadter, her attorney of record.

This action arises out of a trip and fall that occurred on August 18, 2013. Plaintiffs were walking on the sidewalk fronting 1411 92nd Avenue when they tripped and fell in the street. Yolanda Cobbs injured her ankle requiring surgery. Michelle Lee suffered soft tissue leg and back injuries.

The Council authorized settlement of this case in Closed Session on Tuesday, April 21, 2015 (moved by Councilmember Abel Guillen and seconded by Councilmember Anne Campbell-Washington - 5 Ayes, 3 Absent, Councilmembers Brooks, Kaplan and Reid).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Parker".
BARBARA J. PARKER
City Attorney

Attorney assigned:
Tracy Chriss

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Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF YOLANDA COBBS AND MICHELLE LEE V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14720182, CITY ATTORNEY'S FILE NO. 29719, IN THE AMOUNT OF FIFTY-TWO THOUSAND DOLLARS (\$52,000.00) (OAKLAND PUBLIC WORKS – TRIP AND FALL)

WHEREAS, Yolanda Cobbs and Michelle Lee were injured when they tripped and fell on a sidewalk fronting 1411 92nd Avenue on August 18, 2013; and

WHEREAS, Ms. Cobbs and Ms. Lee sustained injuries requiring medical treatment as a result of this accident; and

WHEREAS, Ms. Cobbs and Ms. Lee filed Alameda County Superior Court Case No. RG14720182 against the City of Oakland on April 4, 2014 alleging general negligence and premises liability; and

WHEREAS, the City has determined that settlement in the amount of Fifty-Two Thousand Dollars (\$52,000.00), without an admission of liability, is in the best interest of the City; and

WHEREAS, the settlement will be divided between the parties: Ms. Cobbs will receive forty-nine thousand dollars (\$49,000.00) in settlement of her claims and Ms. Lee will receive three thousand dollars (\$3,000.00) in settlement of her claims for a total settlement amount of fifty-two thousand dollars (\$52,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Yolanda Cobbs and Michelle Lee v. City of Oakland, Alameda County Superior Court Case No. RG14720182, City Attorney's File No. 29719, for the sum of Fifty-Two Thousand Dollars and No Cents (\$52,000.00) with Forty-Nine Thousand Dollars (\$49,000.00) payable to Ms. Cobbs, and Michael Wohlstadter, her attorney of record and Three Thousand Dollars (\$3,000.00) payable to Ms. Lee, and Michael Wohlstadter, her attorney of record; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement

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