

16 APR 21 PM 4:02

CITY OF OAKLAND



ONE FRANK H. 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

May 3, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of Lester Austin
City Attorney File # C30808
(Public Works Agency – Sidewalk Trip and Fall)

President Gibson 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 Nine Thousand Five Hundred Dollars and 00/100 Cents (\$9,500.00), made payable to Lester Austin, and his Attorney Gregory S. Redmond.

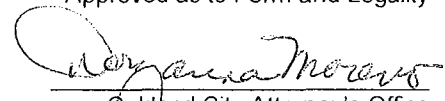
This action arises out of an April 30, 2015 incident in which Mr. Austin claims personal injuries as a result of a trip and fall incident on a City sidewalk.

The Council authorized settlement of this case in Closed Session on Tuesday, April 19, 2016 (moved by Councilmember Larry Reid and seconded by Councilmember Rebecca Kaplan – 8 Ayes).

Respectfully submitted,

BARBARA J. PARKER
City Attorney

Attorney Assigned:
David Pereda


Oakland City Attorney's Office

16 APR 21 PM 4:02

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF LESTER AUSTIN, IN THE AMOUNT OF NINE THOUSAND FIVE HUNDRED DOLLARS AND 00/100 CENTS (\$9,500.00) AS THE RESULT OF DAMAGES SUSTAINED FROM A TRIP AND FALL INCIDENT ON APRIL 30, 2015 (PUBLIC WORKS AGENCY - TRIP AND FALL)

WHEREAS, claimant alleges that on April 30, 2015, he sustained damages as a result of a trip and fall incident on a City sidewalk; and

WHEREAS, the claimant filed the above entitled claim seeking payment for said damages; and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to settle the claim of Lester Austin, our file number C30808, in the amount of Nine Thousand Five Hundred Dollars and 00/100 Cents (\$9,500.00); 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 Nine Thousand Five Hundred Dollars and 00/100 Cents (\$9,500.00), be made payable to Lester Austin, and his attorney Gregory S. Redmond.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, 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