

OFFICE OF THE CITY ATTORNEY
OAKLAND

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CITY OF OAKLAND



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August 16, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: Elba Becerra v. San Pablo Commercial Center, City of Oakland
Alameda County Superior Court No. RG15-772706
City Attorney File No. 30620
(Public Works – Dangerous Condition)

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 the compromise and settlement of the above-entitled action in the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) payable to Plaintiff Elba Becerra and her attorney Edward C. Casey, Jr. The adjacent property owner is contributing an additional One Hundred Twenty Thousand Dollars (\$120,000.00) for a total settlement of \$195,000.00.

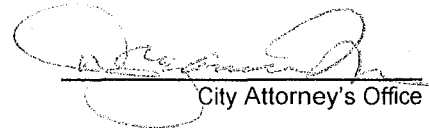
This action arises from an incident on April 2, 2015, wherein Ms. Becerra tripped and fell on a City sidewalk in front of 1630 San Pablo Avenue in Oakland. Ms. Becerra suffered injuries, including a fractured humerus, which required medical treatment.

The Council authorized settlement of this case in Closed Session on Tuesday, July 26, 2016 (moved by Councilmember Gallo and seconded by Councilmember Kaplan – 6 Ayes, 2 Absent – Councilmembers Brooks and President Gibson McElhaney).

Respectfully submitted,

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Christina Lum


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ELBA BECERRA v. CITY OF OAKLAND, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15-772706, IN THE AMOUNT OF SEVENTY FIVE THOUSAND DOLLARS AND NO CENTS (\$75,000.00) AS A RESULT OF A TRIP AND FALL ACCIDENT ON APRIL 2, 2015 (PUBLIC WORKS - DANGEROUS CONDITION)

WHEREAS, Elba Becerra was injured when she tripped and fell on a City sidewalk in front of 1630 San Pablo Avenue in the Oakland on April 2, 2015; and

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

WHEREAS, Alameda County Superior Court Action RG15-772706 was filed against the City of Oakland alleging a dangerous condition of public property; and

WHEREAS, without admitting fault or wrongdoing, the City has determined compromise and settle Plaintiff Elba Becerra's claim against it for the sum of Seventy Five Thousand Dollars and No Cents (\$75,000.00); now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Elba Becerra v. City of Oakland, RG15-772706, City Attorney's File No. 30620, for the sum of Seventy Five Thousand Dollars and No Cents (\$75,000.00); 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 Seventy-Five Thousand Dollars and No Cents (\$75,000.00) be payable to Plaintiff Elba Becerra and her attorney Edward C. Casey, Jr.

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