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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
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City Attorney

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October 16, 2018

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Michaela A. Morales v. City of Oakland, et al.**  
**Alameda County Superior Court Case No. RG15762482**  
City Attorney File No. 29932  
(Department of Transportation – Dangerous Condition)

President Reid 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-Three Thousand, Seven Hundred Fifty Dollars and No Cents (\$93,750.00), payable to Michaela A. Morales.

This action arises out of allegations by Ms. Morales that on August 7, 2013, she tripped and fell on a public sidewalk on 20<sup>th</sup> Street, near 2000 Franklin Street, in Oakland California.

The Council authorized settlement of this case in Closed Session on Tuesday, October 2, 2018, (moved by Councilmember Kaplan and seconded by Councilmember Gibson McElhaney - 6 Ayes, 2 Absent – Councilmember Brooks and President Reid).

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Barbara J. Parker for". The signature is written in a cursive, flowing style.

BARBARA J. PARKER  
City Attorney

Assigned Attorneys:

Colin T. Bowen, Supervising Deputy City Attorney

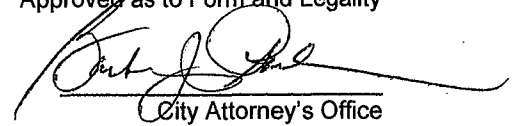
Andrew S. Huang, Deputy City Attorney

Jody Struck (outside counsel), Haapala, Thompson & Abern, LLP

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18 OCT -4 PM 12:45

Approved as to Form and Legality

  
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 MICHAELA A. MORALES v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE No. RG15762482, IN THE AMOUNT OF NINETY-THREE THOUSAND, SEVEN HUNDRED FIFTY DOLLARS AND NO CENTS (\$93,750.00) AS A RESULT OF A TRIP AND FALL INCIDENT ON AUGUST 7, 2013 (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION).

**WHEREAS**, Michaela A. Morales alleges she tripped and fell on a public sidewalk on 20<sup>th</sup> Street, near 2000 Franklin Street, in Oakland, California, on August 7, 2013; and

**WHEREAS**, Ms. Morales alleges she sustained injuries requiring medical treatment as a result of this accident; and

**WHEREAS**, Ms. Morales filed Alameda County Superior Court Action No. RG15762482 against the City of Oakland, alleging 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 Michaela A. Morales v. City of Oakland, *et al.*, Alameda County Superior Court Case No. RG15762482, City Attorney's File No. 29932, for the sum of Ninety-Three thousand, Seven Hundred Fifty Dollars and No Cents (\$93,750.00); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Ms. Morales and her counsel; 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.

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:

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