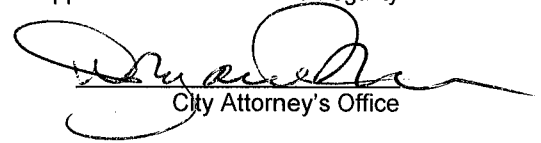


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City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 87042 = C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MARIO MOORE v. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG17885806, IN THE AMOUNT OF FIFTY THREE THOUSAND THIRTY DOLLARS AND FORTY-TWO CENTS (\$53,030.42) (DEPARTMENT OF TRANSPORTATION – SIDEWALK)**

**WHEREAS**, Mario Moore alleges that on April 4, 2017, he tripped on uneven sidewalk on the north side of the 800 block of West Grand Avenue (between Curtis Street and West Street); and

**WHEREAS**, Mr. Moore alleges that he sustained a left traverse patella fracture with displacement, underwent open reduction internal fixation surgery and was in a long-leg cast for six weeks; and

**WHEREAS**, Mr. Moore's medical expenses were \$45,193.45; and

**WHEREAS**, Mr. Moore sued the City alleging a dangerous condition of public property where he fell, and has agreed to settle his lawsuit for a settlement payment of \$53,030.42; and

**WHEREAS**, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Mario Moore v. City of Oakland, et al., Alameda County Superior Court Case No. RG17885806, City Attorney's File No. 32233, for the sum of Fifty Three Thousand Thirty Dollars and Forty-Two Cents (\$53,030.42); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Mario Moore and his 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,

**MAY - 7 2019**

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, ~~WILSON~~ ~~MCLELLAN~~ ~~WANG~~ KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 7


NOES - 0

ABSENT - 0

ABSTENTION - 0

*Excused - 1 McElhenny*

ATTEST:

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