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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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February 4, 2020

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Max & Feliciano Lynn v. Paramount Theatre of the Arts, Inc. and City of Oakland**  
Case No. RG19009173  
City Attorney File No. 33097  
(Economic & Workforce Development – Wrongful Death)

President Kaplan 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 Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), payable to Plaintiffs Max and Feliciano Lynn, through their attorneys, the law firm of Walkup, Melodia, Kelly & Schoenberger.

This action arises out of the death of Plaintiffs' son Kevin Lynn, who allegedly fell on June 1, 2018, from the exterior fire escape at the Paramount Theatre, which is owned by the City of Oakland. Plaintiffs allege a claim for dangerous condition on public property against the City of Oakland.

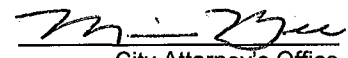
The Council authorized settlement of this case in Closed Session on Tuesday, January 21, 2020 (moved by Councilmember Lynette Gibson McElhaney and seconded by Councilmember Nikki Fortunato Bas - 8 Ayes).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Parker".

BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
Ben Patterson

  
City Attorney's Office

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## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MAX AND FELICIANA LYNN V. PARAMOUNT THEATRE OF THE ARTS, INC. AND CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG190009173, CITY ATTORNEY'S FILE NO. 33097, IN THE AMOUNT OF SEVENTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$75,000.00) (ECONOMIC & WORKFORCE DEVELOPMENT - WRONGFUL DEATH)**

**WHEREAS**, Plaintiffs allege that on June 1, 2018, their son Kevin Lynn fell to his death from the exterior fire escape at the Paramount Theatre, owned by the City of Oakland, due to an alleged dangerous condition; and

**WHEREAS**, Superior Court of the State of California, County of Alameda, Case No. RG19009173, was filed against the City of Oakland and the Paramount Theatre of the Arts, Inc., alleging a claim for dangerous condition on public property against the City of Oakland; and

**WHEREAS**, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

**WHEREAS**, the City admits no wrongdoing or liability; now, therefore be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of *Max and Feliciano Lynn v. Paramount Theatre of the Arts, Inc. and City of Oakland*, Alameda County Superior Court Case No. RG19009173, City Attorney File No. 33097, for the sum of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00); 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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