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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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February 4, 2020

HONORABLE CITY COUNCIL
Oakland, California

Subject: Roberta Castro Green v. City of Oakland and DOES 1 - 20
Alameda County Superior Court Case No. RG18903676
City Attorney File No. 32289
(Department of Transportation – Trip and Fall)

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 Fifty Thousand Dollars and No Cents (\$50,000.00), payable to Roberta Green and The Barnes Law Firm.

This action arises out of an alleged trip and fall on a sidewalk located at 3120 Webster Street. Ms. Green suffered serious injuries including a massive right rotator cuff tear and fractured ribs.

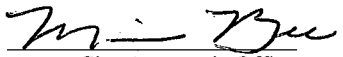
The Council authorized settlement of this case in Closed Session on Tuesday, January 21, 2020 (moved by Vice Mayor Larry Reid Councilmember and seconded by Councilmember Noel Gallo - 8 Ayes).

Respectfully submitted,

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Maria Bee
Jody Struck of Haapala, Thompson & Abern, LLP

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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 ROBERTA CASTRO GREEN v. THE CITY OF OAKLAND AND DOES 1-20, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG18903676, CITY ATTORNEY FILE NO. 32289, IN THE AMOUNT OF FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00) (DEPARTMENT OF TRANSPORTATION – TRIP AND FALL)

WHEREAS, Roberta Castro Green alleges she tripped and fell on uneven sidewalk located at 3120 Webster Street; and

WHEREAS, Ms. Green alleges she suffered a rotator cuff tear that required surgery and fractured ribs; and

WHEREAS, Ms. Green sued the City alleging the sidewalk was in a dangerous condition and has agreed to settle the lawsuit for \$50,000.00; 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 above-listed lawsuit for Fifty Thousand Dollars and No Cents (\$50,000.00) payable to Roberta Castro Green and her counsel; and be it

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

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