

  
City Attorney's Office

2020 JAN 23 PM 3:31

## OAKLAND CITY COUNCIL

RESOLUTION NO. 88013 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.

**FEB 04 2020**

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

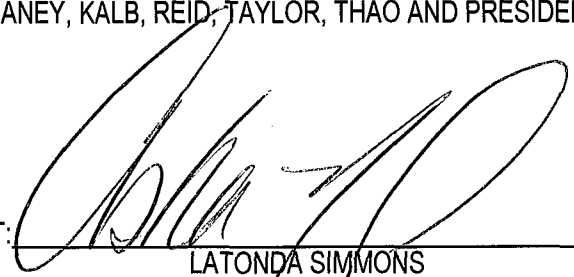
AYES - FORTUNATO BAS, ~~BAWDA~~ GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 7

NOES - 0

ABSENT - 1 Gallo

ABSTENTION - 0

ATTEST:

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