



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 DEBORAH FERGUSON V. CITY OF OAKLAND AND DOES 1-100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 22CV022371, CITY ATTORNEY FILE NO. 35363, IN THE AMOUNT OF ONE HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$175,000.00) (DEPARTMENT OF PUBLIC WORKS - DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff Deborah Ferguson (“Ferguson”) alleges that on December 29, 2021, Ferguson was driving a vehicle on southbound Shepard Canyon Road, near Escher Drive, when an oak tree on City property fell and crashed through the windshield of the vehicle. Ferguson alleges that the tree hit Ferguson’s head and caused Ferguson to suffer a traumatic brain injury; and

WHEREAS, Ferguson alleges that the oak tree fell because a larger pine tree on the hillside above it, which the City had previously identified as a falling hazard but failed to remove, fell on it in stormy weather; and

WHEREAS, Ferguson alleges that both trees constituted dangerous conditions of public property of which the City had notice; and

WHEREAS, Ferguson seeks damages for medical expenses, wage loss, and pain and suffering; and

WHEREAS, Ferguson filed Superior Court of the State of California, County of Alameda, Case No. 22CV022371 against the City of Oakland, alleging a claim against the City for dangerous condition of public property; 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; 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 Deborah Ferguson v. City of Oakland and Does 1-100, Alameda County Superior Court Case No. 22CV022371, for the sum of One Hundred and Seventy-Five Thousand Dollars and Zero Cents (\$175,000.00); and be it

FURTHER RESOLVED: That the City attorney is further authorized and directed to take whatever steps as may be necessary to effect this settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California