

CITY OF OAKLAND



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March 19, 2024

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Deborah Ferguson v. City of Oakland
ACSC Case No. 22CV022371
City Attorney File No. 35363
(Public Works – Dangerous Condition of Public Property)**

President Fortunato Bas 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 lawsuit for the sum of One Hundred and Seventy-Five Thousand Dollars and Zero Cents (\$175,000.00), payable to Deborah Ferguson (“Plaintiff”) and their attorneys.

Plaintiff alleges that on December 29, 2021, Plaintiff was driving a vehicle on southbound Shepard Canyon Road, near Escher Drive, when an oak tree on City property fell on the vehicle and shattered the windshield. Plaintiff alleges that the tree hit their head and caused a traumatic brain injury. The oak tree fell because it was struck by another falling tree, a larger pine tree located higher on the hillside above the road. While the pine tree was not on City property, the City had identified the tree as falling hazard but failed for twenty months to remove it. Plaintiff alleges that both trees constituted dangerous conditions of public property.

The City has determined that settlement in the amount of \$175,000.00, without admitting liability and to avoid litigation, is in the City’s best interest.

The City Council authorized settlement of this case in Closed Session on Thursday, March 7, 2024 (moved by Councilmember Noel Gallo and seconded by Councilmember Dan Kalb - 6 Ayes, 2 Excused - Councilmembers Janani Ramachandran and Treva Reid).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorney:
John A. Burke, Supervising Deputy City Attorney