

CITY OF OAKLAND



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May 31, 2022

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Scott Rietz v. City of Oakland, Berry Bros. Towing & Transport Inc., and DOES 1 – 40, inclusive
Alameda County Superior Court Case No. RG21087166
City Attorney File No. 33413
(Department of Transportation – 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 claim for the sum of One Hundred Thousand Dollars and no cents (\$100,000.00), payable to The Simon Law Group on behalf of Scott Rietz.

This action arises out of a trip and fall on February 23, 2019. Plaintiff Scott Rietz was walking around Plaintiff's car when Plaintiff tripped and fell over the broken sidewalk on Alicia Street, near Market Street, in Oakland. The broken sidewalk existed for over 10 years, but was likely caused by Berry Brothers regularly parking vehicles on the sidewalk. Plaintiff, who was 75 years old at the time of the incident, alleges that Plaintiff suffered a serious hip fracture and underwent two hip surgeries. Plaintiff claims past and future medical expenses, loss wages, and pain and suffering.

The Council authorized settlement of this case in Closed Session on Thursday, May 19, 2022 (moved by Councilmember Fife and seconded by Councilmember Taylor - 6 Ayes, 2 Excused – Councilmember Reid and Councilmember Pro Tem Thao).

Respectfully submitted,

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

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Christina Lum

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