


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 JOHN GILBERT V. CITY OF OAKLAND AND DOES 1 TO 10, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG19011392, CITY ATTORNEY'S FILE NO. 33109, IN THE AMOUNT OF ONE MILLION SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$1,750,000.00) AS A RESULT OF AN ALLEGED DANGEROUS CONDITION OF PUBLIC PROPERTY (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff John Gilbert was riding a bicycle on Skyline Boulevard when the bicycle hit a pothole causing Plaintiff to fall off the bicycle, strike Plaintiff's head on the street, and lose consciousness for several minutes;

WHEREAS, Plaintiff suffered a traumatic brain injury, a skull fracture, a cervical spine fracture, a right scapula fracture, and bleeding in the middle ear. Plaintiff has permanent brain damage and permanent hearing loss in the right ear as a result of the accident; and

WHEREAS, Plaintiff filed the lawsuit listed above seeking damages for past and future medical expenses and pain and suffering; and

WHEREAS, the City of Oakland denies liability for the accident; and now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of John Gilbert v. City of Oakland and DOES 1 to 10, Alameda County Superior Court Case No. RG19011392, City Attorney's File No. 33109, for the sum of One Million Seven Hundred and Fifty Thousand Dollars and Zero Cents (\$1,750,000.00) to Plaintiff and Plaintiff's 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 Plaintiff and Plaintiff's 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 - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO
NOES -
ABSENT -
ABSTENTION -

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the City of
Oakland, California