

CITY OF OAKLAND



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June 1, 2021

HONORABLE CITY COUNCIL
Oakland, California

**Subject: John Gilbert v. City of Oakland and DOES 1 to 10
Alameda County Superior Court Case No. RG19011392
City Attorney File No. 33109
(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 Million Seven Hundred and Fifty Thousand Dollars and Zero Cents (\$1,750,000.00), payable to the Law Offices of James D. Rush, APC, in Trust for John Gilbert.

On June 21, 2018, Plaintiff John Gilbert was riding a bicycle on Skyline Boulevard when Plaintiff struck a pothole. The impact caused Plaintiff to fall off the bicycle, strike Plaintiff's head on the street, and lose consciousness for several minutes. 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. Without admitting liability and to avoid further litigation and costs, the Council has agreed to settle this matter.

The City Council authorized settlement of this case in Closed Session on Thursday, May 6, 2021 (moved by Councilmember Noel Gallo and seconded by Councilmember Carroll Fife - 6 Ayes, 0 Noes, 1 Absent – Councilmember Treva Reid, 1 Abstention – Council President Fortunato Bas).

Respectfully submitted,

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

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Maria Bee