

APPROVED AS TO FORM AND LEGALITY

2024 JAN 11 PM 5:29
FILED
OFFICE OF THE CITY CLERK
OAKLAND

Barbara J. Parker
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90080 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LYNNE MCDONALD AND DAVID BARR V. CITY OF OAKLAND, CONTRA COSTA COUNTY, AND DOES 1 THROUGH 50, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG18931020, CITY ATTORNEY FILE NO. 32944, IN THE AMOUNT OF SIX MILLION FIVE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$6,500,000.00) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiffs Lynne McDonald (“McDonald”) and David Barr allege that on May 12, 2018, McDonald was riding a bicycle on Grizzly Peak Boulevard in the southbound lane, approximately 400 yards south of the intersection with Lomas Cantadas and crashed near a large pothole suffering serious injuries, including incomplete quadriplegia; and

WHEREAS, Plaintiffs sued the City of Oakland, alleging a claim for dangerous condition of public property; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in the case and determined to pay \$6,500,000.00 to settle Plaintiffs’ claims; and

WHEREAS, although the total settlement amount is \$6,500,000.00, the City will be reimbursed \$3,500,000.00 by its insurance risk-sharing pool, along with its defense costs, resulting in a net payment by the City of approximately \$3,000,000.00; and

WHEREAS, the City does not admit any wrongdoing or liability; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Lynne McDonald and David Barr v. City of Oakland, Contra Costa County, and Does 1 through 50, Alameda County Superior Court Case No. RG18931020, City Attorney File No. 32944, for the sum of Six Million Five Hundred Thousand Dollars and Zero Cents (\$6,500,000.00), payable to Plaintiffs and their attorneys; and be it

FURTHER RESOLVED: That the City Attorney is authorized and directed to take whatever steps may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

JAN 16 2024

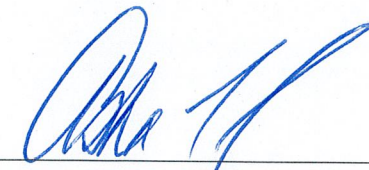
AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS *-8*

NOES *φ*

ABSENT *φ*

ABSTENTION *φ*

ATTEST:



ASHA REED

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