

2022 DEC -9 AM 11:06

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89533 C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF LYNN MLADJOV AND VASSIL MLADJOV V. CITY OF OAKLAND AND DOES 1 TO 100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG20082462, CITY ATTORNEY'S FILE NO. 34128, IN THE AMOUNT OF EIGHTY FIVE THOUSAND DOLLARS AND ZERO CENTS (\$85,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)**

**WHEREAS**, Plaintiff Lynn Mladjov alleges that on April 17, 2020, Plaintiff was injured while walking on the sidewalk near 644 Trestle Glen Road due to a sidewalk uplift that Plaintiff alleges is a dangerous condition of public property; and

**WHEREAS**, Plaintiff Lynn Mladjov allegedly suffered a fracture of the radial head of the right elbow, torn labrum (cartilage) of the right shoulder, and sprained finger due to this incident; and

**WHEREAS**, Plaintiff Lynn Mladjov underwent surgery for the elbow fracture; and

**WHEREAS**, Plaintiff Vassil Mladjov alleges loss of consortium for decreased marital emotional support and companionship and household services from wife Lynn Mladjov during Lynn Mladjov's recovery; and

**WHEREAS**, Plaintiffs Lynn Mladjov and Vassil Mladjov filed Alameda County Superior case number RG20082462 against 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 this case; and

**WHEREAS**, the City admits no wrongdoing or liability; and

**WHEREAS**, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Lynn Mladjov and Vassil Mladjov v. City of Oakland and DOES I to 100, Alameda County Superior Court Case No. RG20082462, City Attorney's File No. 34128, for the sum of Eighty Five Thousand Dollars and Zero Cents (\$85,000.00), which is apportioned as \$80,000.00 for Lynn Mladjov and \$5,000.00 for Vassil Mladjov; 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,

DEC 20 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, ~~NOVA~~ TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

1 Excused - Reed

ATTEST:



ASHA REED

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