OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF REBECCA BAUEN V. CITY OF OAKLAND, AND DOES 1-100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 22CV005847, CITY ATTORNEY FILE NO. 34262, IN THE AMOUNT OF SIX HUNDRED THOUSAND DOLLARS AND ZERO CENTS ($600,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff Rebecca Bauen ("Bauen") alleges that on May 6, 2020, they encountered a pothole while riding their bicycle on Park Boulevard between Highway 13 and Estates Drive and fell, due to an alleged dangerous condition of public property; and

WHEREAS, Bauen suffered a mild traumatic brain injury, cuts and abrasions which left scarring, wage loss, and emotional distress; and

WHEREAS, Bauen filed Superior Court of the State of California, County of Alameda, Case No. 22CV005847, against the City of Oakland and others, alleging a claim against the City 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 Rebecca Bauen v. City of Oakland, and Does 1-100, Alameda County Superior Court Case No. 22CV005847, City Attorney's File No. 34262, for the sum of Six Hundred Thousand Dollars and Zero Cents ($600,000.00); 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, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST:_____

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

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