

APPROVED AS TO FORM AND LEGALITY

2024 JUL -3 AM 10:54
FILED
OFFICE OF THE CITY CLERK
OAKLAND

Barbara J. Parker
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90356 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF TYLER PHAL BY AND THROUGH HIS GUARDIAN AD LITEM, ROEUTH PHAL V. CITY OF OAKLAND, LIU WEILIN, AND DOES 1-100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG21115007, CITY ATTORNEY FILE NO. 34586, IN THE AMOUNT OF TWO MILLION, NINE HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$2,950,000.00) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, Plaintiff Tyler Phal (“Phal”) alleges that at approximately 6:30 p.m. on January 19, 2021, Phal was walking northbound in a crosswalk across eastbound Bancroft Avenue at the intersection with 100th Avenue; and

WHEREAS, Defendant Liu Weilin (“Weilin”) was driving a vehicle eastbound on Bancroft Avenue when Liu’s vehicle struck Phal as Phal was walking in the crosswalk; and

WHEREAS, Phal alleges that sightlines for Phal and Liu were inadequate at the intersection; and

WHEREAS, Phal alleges that doctors diagnosed Phal with severe brain injuries, multiple skull fractures, and multiple closed fractures of the pelvis and hip; and

WHEREAS, Phal underwent craniectomy surgeries and hip surgery; and

WHEREAS, Phal alleges that Phal was diagnosed with major neurocognitive disorder and moderate intellectual disability resulting in lifelong cognitive deficits requiring lifelong care; and

WHEREAS, Phal filed Alameda County Superior Case No. RG21115007 against Liu, alleging a claim for negligence, and against the City of Oakland, alleging a claim for dangerous condition; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

WHEREAS, the City has determined that it is in the City’s best interest to settle this lawsuit without admitting liability or wrongdoing and to avoid further litigation; 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 Tyler Phal by and through his Guardian Ad Litem, Roeuth Phal v. City of Oakland, Liu Weilin, and DOES 1-100, Alameda County Superior Court Case No. RG21115007, City Attorney File No. 34586, for the sum of Two Million, Nine Hundred Fifty Thousand Dollars and Zero Cents (\$2,950,000.00); 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,

JUL 16 2024

PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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