

2023 SEP -7 PM 4: 52

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

*Barbara J. Parker*

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89882, C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE, AND SETTLE THE CASE OF ELIZABETH YOUHN V. CITY OF OAKLAND, ATHOL, LLC., AND DOES 1 THROUGH 20 INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG21094482, CITY ATTORNEY FILE NO. 34268, IN THE AMOUNT OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS AND NO CENTS (\$150,000) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)**

**WHEREAS**, Plaintiff Elizabeth Youhn (“Youhn”) alleges that Defendant City of Oakland created and/or had notice of a dangerous condition on public property at 201 Athol Avenue in Oakland, California, namely an uneven sidewalk at the location caused by the roots of a City tree; and

**WHEREAS**, Youhn alleges that Youhn suffered personal injuries as a result of the tripping and falling due to the allegedly dangerous condition of public property, including a broken elbow that required two surgeries; and

**WHEREAS**, Youhn’s medical expenses are approximately \$45,000, and Youhn claims future medical expenses in the amount of \$29,000, as well as damages for pain and suffering; and

**WHEREAS**, Youhn filed Alameda County Superior Court Case No. RG21094482 against the City of Oakland and Athol, LLC, alleging that the sidewalk was a dangerous condition of public property and alleging that the adjacent property owner was negligent, and seeking general and economic damages for injuries that Youhn sustained; and

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

**WHEREAS**, without admitting wrongdoing or liability, the City has determined to settle Youhn’s claim against the City for the sum of One Hundred and Fifty Thousand Dollars and No Cents (\$150,000); now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Elizabeth Youhn v. City of Oakland, Athol, LLC., and DOES 1 through 20

inclusive, Alameda County Superior Court Case No. RG21094482, for the sum of One Hundred and Fifty Thousand Dollars and No Cents (\$150,000); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

**SEP 19 2023**

PASSED BY THE FOLLOWING VOTE:

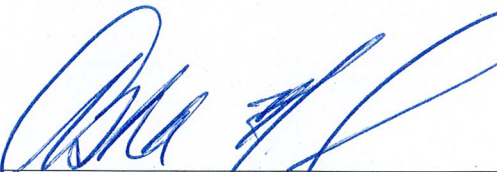
AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS 8

~~NOES~~

~~ABSENT~~

~~ABSTENTION~~

ATTEST: \_\_\_\_\_



ASHA REED

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