


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF STATE COMPENSATION INSURANCE FUND V. CITY OF OAKLAND AND DOES 1 TO 50, ALAMEDA COUNTY SUPERIOR COURT, CASE NO. RG18891438, CITY ATTORNEY'S FILE NO. 31864, IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$45,000.00) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, Plaintiff State Compensation Insurance Fund (“SCIF”), which was the workers’ compensation insurer for the employer of John Sandoval, filed a worker’s compensation subrogation lawsuit in the Superior Court of the State of California, County of Alameda, Case No. RG18891438, against the City of Oakland, alleging dangerous condition of public property;

WHEREAS, Plaintiff SCIF alleges that on or about October 11, 2016, Sandoval tripped and fell on a City of Oakland sidewalk adjacent to 5833 Harmon Avenue, near the intersection of Seminary Avenue, when Sandoval’s foot went into a hole in the sidewalk;

WHEREAS, Sandoval reportedly sustained injuries of the right shoulder, right knee, and right wrist, which required surgical repair of the right rotator cuff and caused Sandoval to miss work;

WHEREAS, Plaintiff SCIF alleges that the October 11, 2016 trip and fall made Sandoval more susceptible to reinjury in May 2018, which caused Sandoval to undergo additional medical treatment and miss additional work;

WHEREAS, Plaintiff SCIF claims it paid Sandoval \$107,462.61 in benefits attributable to the injuries and seeks additional damages for pain and suffering;

WHEREAS, the City denies any liability and does not admit any of Plaintiff’s allegations; and

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

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of State Compensation Insurance Fund v. City of Oakland and DOES 1 to 50, Alameda County Superior Court, Case No. RG RG18891438, City Attorney File No. 31864, for the sum of Forty-Five Thousand Dollars and Zero Cents (\$45,000.00), payable to State Compensation Insurance Fund; 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, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California