

CITY OF OAKLAND



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July 2, 2024

HONORABLE CITY COUNCIL
Oakland, California

Subject: Troy Allen Russell, et al. v. Kathleen Ann Zitani, et al.
Case No. RG18916045
City Attorney File No.32626
(Department of Transportation – Dangerous Condition of Public Property)

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled lawsuit for the sum of Six Million Two Hundred Fifty Thousand Dollars and Zero Cents (\$6,250,000.00), payable to Plaintiffs and their counsel.

On September 28, 2017, at approximately 7:45 a.m., Co-Defendant Kathleen Ann Zitani’s car struck Plaintiff Troy Allen Russell (“Russell”) as Russell was crossing the street in a crosswalk at the intersection of Opal St. and 40th St. Russell allegedly suffered a fractured skull and life-threatening brain injury. After many months in the hospital, Russell was discharged with a significant loss of executive function and memory loss. Russell’s wife, Eugenia Maria Russell, alleges loss of consortium. Plaintiffs subsequently filed this lawsuit against the City for dangerous condition of public property, alleging a design defect at the intersection.

The City Council authorized settlement of this case in Closed Session on Thursday, April 18, 2024 (moved by Councilmember Noel Gallo and seconded by Councilmember Carroll Fife - 5 Ayes, 3 Excused – President Pro Tem Dan Kalb, Councilmember Treva Reid and Councilmember Janani Ramachandran).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker". The signature is written in a cursive, flowing style.

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Christina Lum