

2019 DEC -5 PM 3:12

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 87970 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF *ARIEL SPRITZER-SATOMI V. CITY OF OAKLAND, ET AL.*, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG1682573, CITY ATTORNEY'S FILE NO. 31107, IN AN AMOUNT OF ONE MILLION SIX HUNDRED SIXTY-SIX THOUSAND DOLLARS AND SIXTY-SEVEN CENTS (\$1,666,666.67) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION)

WHEREAS, this matter arises from an incident on October 19, 2015, wherein the guardrail and fencing became detached from the 23rd Avenue overpass and fell onto the I-880 freeway below, resulting in an accident wherein Plaintiff Ariel Spritzer-Satomi suffered a traumatic brain injury.

WHEREAS, Plaintiff Ariel Spritzer-Satomi filed the above-referenced action to recover monetary damages; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff's claims against it for the sum of One Million Six Hundred and Sixty-Six Thousand Dollars and Sixty-Seven Cents (\$1,666,666.67); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Ariel Spritzer-Satomi v. City of Oakland*, et al., Alameda County Superior Court Case No. RG1682573, City Attorney's File No. 31107, for a sum of One Million Six Hundred Sixty-Six Thousand Dollars and Sixty-Seven Cents (\$1,666,666.67), payable by the City of Oakland; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 10 2019

PASSED BY THE FOLLOWING VOTE:

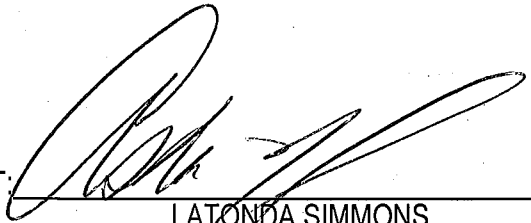
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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