

# CITY OF OAKLAND



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February 21, 2023

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Ma Carmen Bautista v. City of Oakland, Mark Crawford and DOES 1-100**  
**Alameda County Superior Court Case No. RG21099088**  
City Attorney File No. 33908  
(Public Works Department – Negligence)

Dear 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 the compromise and settlement of the above-entitled claim for the sum of One Hundred and Eighty Thousand Dollars and No Cents (\$180,000.00), payable to Plaintiff Ma Carmen Bautista in a manner specified by Bautista's counsel.

On July 29, 2019, Defendant City employee Mark Crawford was driving a garbage truck that rear-ended Plaintiff Ma Carmen Bautista's vehicle. The accident occurred at the intersection of Coolidge Avenue and Montana Street. Crawford was in the course and scope of employment at the time of the accident. Bautista alleges that Bautista suffered injuries as a result of the incident, including injuries to Bautista's neck, back and right shoulder/arm. Bautista alleges that Crawford was negligent, and that the City is responsible because Crawford was in the course and scope of employment. Bautista's medical expenses are approximately \$80,000, and Bautista claims future medical expenses, and damages for pain and suffering.

The City has determined that settlement in the amount of \$180,000.00 to Bautista, without admitting liability and to avoid further litigation, is in the best interest of the City.

The City Council authorized settlement of this case in Closed Session on Thursday, February 2, 2023 (moved by Councilmember Noel Gallo and seconded by Councilmember Rebecca Kaplan – 6 Ayes, 2 Excused – Councilmember Dan Kalb and Councilmember Treva Reid).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
Lorena Matei