



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 DANIELLE VALIAO, AN INDIVIDUAL V. CITY OF OAKLAND, A PUBLIC ENTITY; BUCK WILD BREWING, A BUSINESS ENTITY; ACTION JACKSON, LLC, A BUSINESS ENTITY; AND DOES 1 THROUGH 50, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 23CV037540, CITY ATTORNEY'S FILE NO. 36177, IN THE AMOUNT OF ONE HUNDRED AND TWENTY FIVE THOUSAND DOLLARS AND ZERO CENTS (\$125,000.00) (DEPARTMENT OF TRANSPORTATION- DANGEROUS CONDITION)

WHEREAS, Plaintiff Danielle Valiao (“Valiao”) alleges that on March 7, 2023, Valiao fell and severely broke Valiao’s right ankle after stepping in a 2-3-inch-deep pothole located on the sidewalk in front of the Buck Wild Brewing brewery on the corner of 4th and Jackson Streets; and

WHEREAS, Valiao alleges that the hole constituted a dangerous condition of public property for which the City is liable. Valiao also sued the brewery alleging that it caused the surface of the sidewalk to deteriorate and that it failed to maintain the sidewalk as required by the Oakland Municipal Code; and

WHEREAS, Valiao underwent surgery that inserted metal plates secured by screws over the fracture to provide stability. Valiao likely will require a second surgery to remove the hardware. Valiao alleges Valiao has regular pain in the ankle and feels unsteady while walking.

WHEREAS, Valiao filed a lawsuit in the Superior Court of the State of California, County of Alameda, Case No. 23CV037540, alleging a dangerous condition of public property, negligence, and premises liability claims against the City; and

WHEREAS, Valiao seeks to recover money damages for medical expenses, future treatment, and emotional distress; and

WHEREAS, Buck Wild Brewing will contribute \$300,000 to the settlement; and

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

WHEREAS, the City admits no wrongdoing, fault or liability; and

WHEREAS, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle the case of Danielle Valiao, an individual v. City of Oakland, a public entity; Buck Wild Brewing, a business entity; Action Jackson, LLC, a business entity; and Does 1 through 50, Inclusive, Alameda Superior Court Case No. 23CV037540, for the sum of One Hundred and Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00); 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, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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