

CITY OF OAKLAND



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September 19, 2023

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Rebecca Bauen v. City of Oakland, and Does 1-100
Alameda County Superior Court, Case No. 22CV005847
City Attorney File No. 34262
(Department of Transportation – Dangerous Condition)**

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 Hundred Thousand Dollars and Zero Cents (\$600,000.00), payable to Plaintiff Rebecca Bauen (“Bauen”) through the Zinn Law Firm.

Plaintiff Rebecca Bauen (“Bauen”) alleges that on May 6, 2020, they encountered a pothole and fell while riding their bicycle on Park Boulevard between Highway 13 and Estates Drive. Bauen alleges the pothole was a dangerous condition of public property. Bauen allegedly suffered a mild traumatic brain injury, cuts and abrasions which left scarring, wage loss, and emotional distress. The City has determined that settlement in the amount of \$600,000.00, without admitting liability and to avoid further litigation, is in the City’s best interest.

The Council authorized settlement of this case in closed session on Thursday, July 20, 2023 (moved by Councilmember Janani Ramachandran and seconded by Councilmember Noel Gallo - 5 Ayes and 3 Absent – Councilmembers Kevin Jenkins, Dan Kalb and Treva Reid).

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorney
Courtney O’Brien