

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF KATE DIDECH V. CITY OF OAKLAND, AND DOES 1 TO 20, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG19030982, CITY ATTORNEY FILE NO. 33141, IN THE AMOUNT OF SIXTY FIVE THOUSAND DOLLARS AND ZERO CENTS (\$65,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)**

**WHEREAS**, Plaintiff Kate Didech alleges that on July 8, 2018, Plaintiff was injured while Plaintiff rode an electric scooter on Vernon Street near Vernon Terrace due to a sinkhole that Plaintiff alleges is a dangerous condition on public property; and

**WHEREAS**, Plaintiff allegedly suffered a fracture of the bony tip of the right elbow due to this incident; and

**WHEREAS**, Plaintiff filed Alameda County Superior case number RG19030982, against the City of Oakland, alleging a claim for dangerous condition of public property; and

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

**WHEREAS**, the City admits no wrongdoing 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 Kate Didech v. City of Oakland, and DOES 1 through 20, Inclusive, Alameda County Superior Court Case No. RG19030982, City Attorney’s File No. 33141, for the sum of Sixty Five Thousand Dollars and Zero Cents (\$65,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California