


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 BERNITA TONEY V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG19030985, CITY ATTORNEY FILE NO. 33449-1, IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$150,000.00). (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff Bernita Toney alleges that on September 10, 2018, debris falling from the Beach Street overpass above Yerba Buena Avenue, Oakland, California fell and struck Plaintiff's body; and

WHEREAS, Plaintiff, who was 54 years old at the time of the incident, suffered an alleged traumatic brain injury, a fractured finger, a shoulder injury, and a loss of wages; and

WHEREAS, Plaintiff sued the City of Oakland in *Bernita Toney v. City of Oakland, et al.*, Alameda County Superior Court case no. RG19030985, City Attorney File No. 33449-1, asserting a dangerous condition of public property claim against the City of Oakland; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in the case and determined to pay \$150,000.00 to settle Plaintiff's claims, without admitting any wrongdoing or liability; now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle *Bernita Toney v. City of Oakland, et al.*, Alameda County Superior Court case no. RG19030985, City Attorney File No. 33449-1, for the sum of \$150,000.00, payable to Plaintiff Bernita Toney; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

ABSTENTION –

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

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