


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 OMAR RODRIGUEZ, AN INDIVIDUAL V. CITY OF OAKLAND, A GOVERNMENT ENTITY; STARIGH MORRIS, AN INDIVIDUAL; THE HERTZ CORPORATION, A CORPORATION; HERTZ VEHICLES LLC, A LIMITED LIABILITY COMPANY; CRST VAN OPERATIONS, A CORPORATION; CALIFORNIA DEPARTMENT OF TRANSPORTATION, A GOVERNMENT ENTITY; ALAMEDA-CONTRA COSTA TRANSIT DISTRICT, A GOVERNMENT ENTITY, AND DOES 4 THROUGH 20, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 23CV031920, CITY ATTORNEY FILE NO. 35479, IN THE SUM OF ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$100,000.00), PAYABLE TO “DOVEL & LUNER, LLP.” (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, on March 30, 2022, at the intersection of International Boulevard and 80th Avenue, an unknown hit-and-run driver struck Plaintiff Omar Rodriguez (“Rodriguez”) as Rodriguez walked across International Boulevard in a marked crosswalk; and

WHEREAS, Rodriguez alleges the crosswalk near the intersection of International Boulevard and 80th Avenue was a dangerous condition of public property; and

WHEREAS, Rodriguez claims a variety of injuries from the accident including a collapsed lung, broken ribs, broken bones in the face and head, and a broken pelvis. Rodriguez also claims a traumatic brain injury caused light sensitivity and cognitive impairment; and

WHEREAS, Rodriguez filed a lawsuit against the City and others in the Superior Court of the State of California, County of Alameda, Case No. 23CV031920, alleging the crosswalk at issue was a dangerous condition of public property at the time of the accident; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case, and has determined, without admitting fault or liability, that settlement of the lawsuit is in the best interest of the City; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Omar Rodriguez v. City of Oakland, et al.*, Alameda County Superior Court Case No. 23CV031920, for the sum of One Hundred Thousand Dollars and Zero Cents (\$100,000.00); 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 – BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, PRESIDENT
JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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