

APPROVED AS TO FORM AND LEGALITY

2023 FEB -2 PM 4: 58

FILED
OFFICE OF THE CITY CLERK
OAKLAND


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89599 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF MA CARMEN BAUTISTA V. CITY OF OAKLAND, MARK CRAWFORD AND DOES 1 TO 10 INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG21099088, CITY ATTORNEY FILE NO. 33908, IN THE AMOUNT OF ONE HUNDRED AND EIGHTY THOUSAND DOLLARS AND NO CENTS (\$180,000.00) (PUBLIC WORKS DEPARTMENT – NEGLIGENCE)

WHEREAS, Plaintiff Ma Carmen Bautista alleges that Defendant City employee Mark Crawford rear-ended Bautista's vehicle while it was stopped at the intersection of Montana St. and Coolidge Ave.; and

WHEREAS, Bautista alleges that Bautista suffered injuries as a result of the incident, including injuries to Bautista's neck, back and right shoulder/arm. Bautista's medical expenses are approximately \$80,000, and Bautista claims future medical expenses, and damages for pain and suffering; and

WHEREAS, Bautista filed Alameda County Superior Court Case No. RG21099088 against City employee Mark Crawford and the City, alleging a claim for negligence against Mark Crawford and vicarious liability against the City, and seeking general and economic damages for injuries Bautista sustained; and

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

WHEREAS, without admitting wrongdoing or liability, the City has determined to compromise Ma Carmen Bautista's claim against the City and Mark Crawford for the sum of One Hundred and Eighty Thousand Dollars and No Cents (\$180,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Ma Carmen Bautista v. City of Oakland, Mark Crawford and DOES 1 to 100, Alameda County Superior Court Case No. RG21099088, for the sum of One Hundred and Eighty Thousand Dollars and No Cents (\$180,000.00); 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:

FEB 21 2023

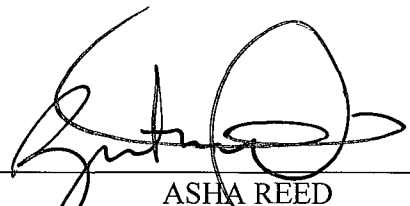
AYES - FIFE, GALLO, JENKINS KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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