

# CITY OF OAKLAND



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February 4, 2025

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Bernita Toney v. City of Oakland, et al**  
**Case No. RG19030985**  
City Attorney File No. 33449-1  
(Department of Transportation – Dangerous Condition of Public Property)

President Pro Tempore Gallo and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney requests your approval of a resolution authorizing compromise and settlement of the above-entitled lawsuit for the sum of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), payable to Bernita Toney.

Plaintiff Bernita Toney (“Toney”) claims that on September 10, 2018 as Toney was walking under the Beach Street overpass, a piece of concrete or other debris fell from the overpass and hit Toney on the head. Toney claims Toney lost consciousness and suffered a traumatic brain injury, a fractured finger, and injuries to the shoulder. Toney also claims lost wages. Toney alleges that the overpass constituted a dangerous condition of public property under Government Code section 835 for which the City is liable. The City has determined that settlement in the amount of \$150,000.00 to Plaintiff, without admitting liability and to avoid further litigation, is in the best interest of the City.

The City Council authorized settlement of this case in Closed Session on Thursday, January 23, 2025 (moved by Councilmember Ken Houston seconded by Councilmember Zac Unger - 6 Ayes and 2 Absent – Councilmember Carroll Fife and Council President Kevin Jenkins (serving as Mayor pursuant to Charter Section 303).

Respectfully submitted,

  
RYAN RICHARDSON  
City Attorney

Assigned Attorney:  
Christina Lum

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