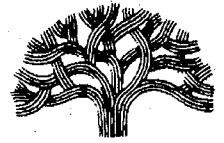


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CITY OF OAKLAND



2019 DEC -5 PM 3: 11

ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

December 10, 2019

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Ariel Spritzer-Satomi v. City of Oakland, et al.*
Alameda County Superior Court No. RG1682573
City Attorney File No. 31107
(Department of Transportation – Dangerous Condition)


President Kaplan and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of the resolution authorizing compromise and settlement of the above-entitled claim for the sum of One Million Six Hundred Sixty-Six Thousand Dollars and Sixty-Seven Cents (\$1,666,666.67).

This matter arises from an incident on October 19, 2015, wherein the guardrail and fencing became detached from the 23rd Avenue overpass and fell onto the 1-880 freeway below, resulting in an accident wherein Plaintiff Ariel Spritzer-Satomi suffered a traumatic brain injury.

The Council authorized settlement of this case in Closed Session on Tuesday, November 19, 2019 (moved by Councilmember Loren Taylor and seconded by Vice Mayor Larry Reid – 8 Ayes).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney assigned:
Michelle M. Meyers

2868565v1

2015 DEC -5 PM 3: 12

Approved as to Form and Legality


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 *ARIEL SPRITZER-SATOMI V. CITY OF OAKLAND, ET AL.*, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG1682573, CITY ATTORNEY'S FILE NO. 31107, IN AN AMOUNT OF ONE MILLION SIX HUNDRED SIXTY-SIX THOUSAND DOLLARS AND SIXTY-SEVEN CENTS (\$1,666,666.67) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, this matter arises from an incident on October 19, 2015, wherein the guardrail and fencing became detached from the 23rd Avenue overpass and fell onto the I-880 freeway below, resulting in an accident wherein Plaintiff Ariel Spritzer-Satomi suffered a traumatic brain injury.

WHEREAS, Plaintiff Ariel Spritzer-Satomi filed the above-referenced action to recover monetary damages; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff's claims against it for the sum of One Million Six Hundred and Sixty-Six Thousand Dollars and Sixty-Seven Cents (\$1,666,666.67); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Ariel Spritzer-Satomi v. City of Oakland*, et al., Alameda County Superior Court Case No. RG1682573, City Attorney's File No. 31107, for a sum of One Million Six Hundred Sixty-Six Thousand Dollars and Sixty-Seven Cents (\$1,666,666.67), payable by the City of Oakland; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California