

APPROVED AS TO FORM AND LEGALITY

2024 NOV 22 AM 8:16

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Barbara J. Parker

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90535 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF HARRIET NIXON V. CITY OF OAKLAND, AND DOES 1-25, ALAMEDA COUNTY SUPERIOR COURT CASE NO 23CV025741, CITY ATTORNEY FILE NO. 35517 IN THE AMOUNT OF SEVEN HUNDRED EIGHTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$787,500.00) (DEPARTMENT OF TRANSPORTATION -DANGEROUS CONDITION)

WHEREAS, Plaintiff Harriet Nixon (“Nixon”) alleges that on July 25, 2022, Nixon tripped and fell on a sidewalk uplift caused by a City tree while walking in front of/near 369 38th Street in Oakland; and

WHEREAS, Nixon sued the City of Oakland alleging a claim for dangerous condition of public property; and

WHEREAS, Nixon alleges Nixon suffered a broken arm and vision loss in Nixon’s left eye; and

WHEREAS, Nixon claims Nixon’s past medical expenses are approximately \$5,000 and the City estimates future care expenses are over \$600,000. Nixon also claims damages for pain and suffering; and

WHEREAS, Nixon filed Alameda County Superior Court Case No. 23CV025741 against the City of Oakland and DOES 1-25, seeking general and economic damages for injuries that Nixon 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 settle Nixon’s claim against the City for the sum of Seven Hundred Eighty-Seven Thousand Five Hundred Dollars and No Cents (\$787,500.00); now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle the case of *Harriet Nixon v. City of Oakland, and DOES 1-25*, Alameda County Superior Court Case No. 23CV025741, for the sum of Seven Hundred Eighty-Seven Thousand Five Hundred Dollars and No Cents (\$787,500); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 03 2024

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, ~~JENKINS~~, KALB, KAPLAN, ~~RAMACHANDRAN~~, REID, AND
~~PRESIDENT FORTUNATO BAS~~ - 5

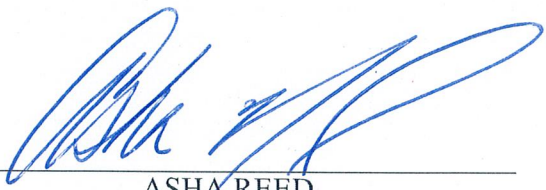
NOES - 0

ABSENT - 0

ABSTENTION - 0

3 Excused - Fortunato Bas
Jenkins
Ramachandran

ATTEST:


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