

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 SCOTT RIETZ V. CITY OF OAKLAND, BERRY BROS. TOWING & TRANSPORT INC., AND DOES 1-40, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG21087166, CITY ATTORNEY'S FILE NO. 33413, IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$100,000) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff Scott Rietz allegedly tripped and fell on the sidewalk Alicia Street, near Market Street, on February 23, 2019; and

WHEREAS, The broken sidewalk existed for over 10 years, but was likely caused by Berry Brothers regularly parking vehicles on the sidewalk; and

WHEREAS, Rietz, who was 75 years old at the time of the incident, allegedly suffered a serious hip fracture and underwent two hip surgeries; and

WHEREAS, Plaintiff Rietz filed *Scott Rietz v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG21087166 against the City of Oakland alleging dangerous condition of public property and claiming past and future medical expenses, loss wages, and pain and suffering; and

WHEREAS, Without admitting fault or wrongdoing, the City has determined to compromise Scott Rietz's claim for the sum of One Hundred Thousand Dollars and no Cents (\$100,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Scott Rietz v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG21087166, City Attorney's File No. 33413 for the sum of One Hundred Thousand Dollars and No 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 - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California