


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 ERNESTO SARMIENTO V. ALAMEDA-CONTRA COSTA TRANSIT DISTRICT, CITY OF OAKLAND, COUNTY OF ALAMEDA, AND DOES 1 THROUGH 20, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 23CV045022, CITY ATTORNEY FILE NO. X05523, BY PAYMENT IN THE AMOUNT OF FIVE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$550,000.00) (OAKLAND DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, Plaintiff Ernesto Sarmiento alleges that on October 30, 2022, Plaintiff was riding a bicycle in the bicycle lane on Mandela Parkway approaching West Grand Ave. when a wheel of the bicycle became caught in a two-inch seam in the pavement causing Plaintiff to fall; and

WHEREAS, Plaintiff, who was 53 years old at the time of the incident, seeks damages for an alleged traumatic brain injury, a fractured right wrist, facial laceration, medical expenses, lost wages, property damage, and pain and suffering; and

WHEREAS, Plaintiff sued the City of Oakland in *Ernesto Sarmiento v. City of Oakland, et al.*, Alameda County Superior Court Case No. 23CV045022, City Attorney File No. X05523, asserting a dangerous condition of public property claim against the City of Oakland; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in the case and determined to pay \$550,000.00.00 to settle Plaintiff's claims, without admitting any wrongdoing or liability; now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle *Ernesto Sarmiento v. City of Oakland, et al.*, Alameda County Superior Court case no. 23CV045022, City Attorney File No. X05523, for the sum of \$550,000.00, payable to Plaintiff Ernesto Sarmiento; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, GALLO, RAMACHANDRAN, UNGER, WANG

NOES –

EXCUSED – FIFE, PRESIDENT JENKINS

ABSTENTION –HOUSTON

ATTEST: _____

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

3442618 / MBB