

CITY OF OAKLAND



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

Office of the City Attorney
Barbara Parker
City Attorney

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

February 6, 2024

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Ann Berlak v. City of Oakland and Does 1-100, inclusive
Alameda County Superior Court Case No. 22CV071828
City Attorney File No. 35002
(Public Works – Dangerous Condition of Public Property)**

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled lawsuit for the sum of One Hundred Twenty Thousand Dollars and Zero Cents (\$120,000.00), payable to Ann Berlak and their attorneys.

Eighty-four-year-old Ann Berlak (“Berlak”) alleges that on September 17, 2021, they tripped and fell on uneven pavement while walking on the path around Lake Merritt near Lake Chalet, and suffered extensive injuries including facial fractures and dental trauma. Berlak contends the path was a dangerous condition of public property of which the City had notice prior to the fall.

The City has determined that settlement in the amount of \$120,000.00, without admitting liability and to avoid litigation, is in the City’s best interest.

The City Council authorized settlement of this case in Closed Session on Thursday, January 18, 2024 (moved by Council President Nikki Fortunato Bas and seconded by Councilmember Carroll Fife - 7 Ayes, 1 Absent – Councilmember Noel Gallo).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Courtney O’Brien