


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 EMERALD RAYCHELL GILBERT V. CITY OF OAKLAND, COUNTY OF ALAMEDA, FAMILY PATHS, INC., AND DOES 1 TO 20, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 23CV030478, CITY ATTORNEY FILE NO. 35574, IN THE SUM OF SIXTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$65,000.00), PAYABLE TO EMERALD RAYCHELL GILBERT AND ATTORNEYS AT BAUMAN LAW, APLC (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff Emerald Raychell Gilbert (“Gilbert”) alleges that on May 1, 2022, Gilbert tripped and fell on a sidewalk uplift caused by the roots of a City tree located on 18th near Martin Luther King Jr. Way; and

WHEREAS, Gilbert allegedly fractured three bones in the left ankle, incurred medical bills, and suffered pain and emotional distress; and

WHEREAS, Gilbert filed a lawsuit in the Superior Court of the State of California, County of Alameda, Case No. 23CV030478, alleging a cause of action against the City of Oakland for a dangerous condition of public property;

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

WHEREAS, the City admits no wrongdoing, fault or liability; and

WHEREAS, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Emerald Raychell Gilbert v. City of Oakland, et al.*, Alameda County Superior Court Case No. 23CV030478, for the sum of Sixty-five Thousand Dollars and Zero Cents (\$65,000.00); 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 - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

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