

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara Parker  
City Attorney

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

December 16, 2024

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Danielle Valiao, an individual v. City of Oakland, a public entity; Buck Wild Brewing, a business entity; Action Jackson, LLC, a business entity; and Does 1 through 50 inclusive  
Case No. 23CV037540  
City Attorney File No. 36177  
(Oakland Department of Transportation- Trip and Fall)**

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-Five Thousand Dollars and Zero Cents (\$125,000.00), payable to Danielle Valiao (“Valiao”) through Valiao’s attorneys at The Barnes Firm.

This is a personal injury case arising from a trip and fall accident. On March 7, 2023, Valiao fell and severely broke her right ankle after stepping in a 2-3-inch-deep pothole located on the sidewalk in front of the Buck Wild Brewing brewery on the corner of 4th and Jackson Streets. Valiao underwent surgery that inserted metal plates secured by screws over the fracture to provide stability. Valiao likely will require a second surgery to remove the hardware. Valiao alleges Valiao has regular pain in the ankle and feels unsteady while walking.

Buck Wild Brewing will contribute \$300,000 to the settlement.

The City has considered all the evidence, litigation costs, and litigation risks in this case and has determined that it is in the City’s best interest to settle this lawsuit without admitting liability or wrongdoing and to avoid further litigation.

The City Council authorized settlement of this case in Closed Session on Thursday, December 12, 2024 (moved by Councilmember Noel Gallo and seconded by Councilmember Treva Reid -7 Ayes, 1 Excused - Councilmember Janani Ramachandran).

Respectfully submitted,

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

BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
Courtney O’Brien, Deputy City Attorney