



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 ELIZABETH YOUHN V. CITY OF OAKLAND, ATHOL, LLC., AND DOES 1 THROUGH 20 INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG21094482, CITY ATTORNEY FILE NO. 34268, IN THE AMOUNT OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS AND NO CENTS (\$150,000) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, Plaintiff Elizabeth Youhn (“Youhn”) alleges that Defendant City of Oakland created and/or had notice of a dangerous condition on public property at 201 Athol Avenue in Oakland, California, namely an uneven sidewalk at the location caused by the roots of a City tree; and

WHEREAS, Youhn alleges that Youhn suffered personal injuries as a result of the tripping and falling due to the allegedly dangerous condition of public property, including a broken elbow that required two surgeries; and

WHEREAS, Youhn’s medical expenses are approximately \$45,000, and Youhn claims future medical expenses in the amount of \$29,000, as well as damages for pain and suffering; and

WHEREAS, Youhn filed Alameda County Superior Court Case No. RG21094482 against the City of Oakland and Athol, LLC, alleging that the sidewalk was a dangerous condition of public property and alleging that the adjacent property owner was negligent, and seeking general and economic damages for injuries that Youhn sustained; and

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

WHEREAS, without admitting wrongdoing or liability, the City has determined to settle Youhn’s claim against the City for the sum of One Hundred and Fifty Thousand Dollars and No Cents (\$150,000); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Elizabeth Youhn v. City of Oakland, Athol, LLC., and DOES 1 through 20

inclusive, Alameda County Superior Court Case No. RG21094482, for the sum of One Hundred and Fifty Thousand Dollars and No Cents (\$150,000); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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