

# CITY OF OAKLAND



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

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December 3, 2024

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Harriet Nixon v. City of Oakland and DOES 1-25  
Case No. 23CV025741  
City Attorney File No. 35517  
(Department of Transportation – Dangerous Condition)**

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 Seven Hundred Eighty-Seven Thousand Five Hundred Dollars and Zero Cents (\$787,500.00), payable to Plaintiff Harriet Nixon (“Nixon”), in a manner specified by Plaintiff’s counsel.

Nixon alleges that on July 25, 2022, Nixon tripped and fell on a sidewalk uplift in front of/near 369 38<sup>th</sup> Street in Oakland. Nixon alleges that the sidewalk uplift was caused by the roots of a City tree. Nixon alleges that the uplift was a dangerous condition and sued the City of Oakland.

Nixon suffered injuries including a broken arm and vision loss in the left eye. Nixon’s past medical expenses are approximately \$5,000. Nixon’s estimate future care is approximately \$625,000, which includes rent at an assisted living facility for at least five years. Additionally, Nixon claims damages for pain and suffering.

The City determined that settlement of Nixon’s lawsuit against the City for the sum of Seven Hundred Eighty-Seven Thousand Five Hundred Dollars and Zero Cents (\$787,500.00) on behalf of the City, without admitting liability and to avoid further litigation, is in the best interest of the City.

The City Council authorized settlement of this case in Closed Session on Thursday, November 21, 2024 (moved by Councilmember Dan Kalb and seconded by Councilmember Noel Gallo - 6 Ayes, 2 Noes – Councilmembers Janani Ramachandran and Treva Reid).

Respectfully submitted,

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

BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
Lorena Matei

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