

2024 JAN 25 PM 4: 57

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

Barbara J. Parker

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90089 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ANN BERLAK V. CITY OF OAKLAND AND DOES 1-100, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 22CV017828, CITY ATTORNEY FILE NO. 35002, IN THE AMOUNT OF ONE HUNDRED TWENTY THOUSAND DOLLARS AND ZERO CENTS (\$120,000.00) (PUBLIC WORKS – DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff Ann 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

WHEREAS, Berlak alleges the uneven pavement was a dangerous condition of public property of which the City had notice; and

WHEREAS, Berlak alleges she suffered injuries including dental trauma and facial fractures, and seeks damages for past and future medical expenses and pain and suffering; and

WHEREAS, Berlak filed Superior Court of the State of California, County of Alameda, Case No. 22CV017828 against the City of Oakland, alleging a claim against the City for dangerous condition of public property; and

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

WHEREAS, the City admits no wrongdoing 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 Ann Berlak v. City of Oakland and Does 1-100, inclusive, Alameda County Superior Court Case No. 22CV017828, for the sum of One Hundred Twenty Thousand Dollars and Zero Cents (\$120,000.00); and be it

FURTHER RESOLVED: That the City attorney is further authorized and directed to take whatever steps as may be necessary to effect this settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

FEB 06 2024

PASSED BY THE FOLLOWING VOTE:


AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 8

NOES

ABSENT

ABSTENTION

ATTEST: _____


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