

APPROVED AS TO FORM AND LEGALITY

2024 MAY -9 PM 3:20


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL
RESOLUTION NO. 902373 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE, AND SETTLE THE CASE OF PHILIP WOODRUFF V. CITY OF OAKLAND, 2900 COLLEGE ASSOCIATES, LLC, COUNTY OF ALAMEDA, CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND DOES 1-50, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG2111459, CITY ATTORNEY FILE NO. 34569, IN THE AMOUNT OF THIRTY THOUSAND DOLLARS AND NO CENTS (\$30,000.00) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, Plaintiff Philip Woodruff (“Woodruff”) alleges that on October 28, 2020, Woodruff tripped and fell on deteriorated sidewalk in front of 4050 Piedmont Avenue; and

WHEREAS, Woodruff sued the City of Oakland, alleging a claim for dangerous condition of public property, and sued the adjacent property owner, 2900 College Ave. LLC for negligence and premises liability; and

WHEREAS, Woodruff alleges Woodruff suffered a torn rotator cuff that required surgical repair; and

WHEREAS, Woodruff claims their medical expenses are approximately \$53,000.00; Woodruff also claims damages for pain and suffering; and

WHEREAS, Woodruff filed Alameda County Superior Court Case No. RG2111459 against the City of Oakland, 2900 College Ave. LLC, County of Alameda, California Department of Transportation, and DOES 1-50, inclusive, seeking general and economic damages for injuries that Woodruff 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 Woodruff’s claim against the City for the sum of Thirty Thousand Dollars and No Cents (\$30,000.00); and the adjacent property owner, 2900 College Ave. LLC is contributing Ninety Five Thousand Dollars and No Cents (\$95,000.00) to the total settlement amount of One Hundred Twenty Five Thousand Dollars and No Cents (\$125,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Philip Woodruff v. City of Oakland, 2900 College Ave. LLC, County of Alameda, California Department of Transportation, and DOES 1-50, inclusive*, Alameda County Superior Court Case No. RG2111459, for the sum of Thirty Thousand Dollars and No Cents (\$30,000.00); 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,

MAY 21 2024

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 6

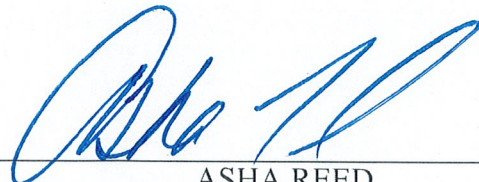
NOES - 0

ABSENT - 0

ABSTENTION - 0

2 EXCUSED: Fife/Kaplan

ATTEST:



ASHA REED

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