

2023 NOV 16 PM 5:39

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. 90004 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF BRUNO VANSCHOOTE V. CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND DOES 1-100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. HG21090534, CITY ATTORNEY FILE NO. 34313, IN THE AMOUNT OF SIX MILLION FIVE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$6,500,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff Bruno VanSchoote ("VanSchoote") alleges that on April 18, 2020, they fell off a bicycle while riding down MacArthur Boulevard just past Lake Park Avenue. VanSchoote suffered a spinal cord injury, fractured several cervical vertebrae and facial bones, and suffered a mild traumatic brain injury; and

WHEREAS, VanSchoote attributes the fall to a road defect in the street and alleges that this defect was a dangerous condition of public property and that the City had notice of it; and

WHEREAS, VanSchoote seeks damages for past and future medical expenses and pain and suffering; and

WHEREAS, VanSchoote filed Superior Court of the State of California, County of Alameda, Case No. HG21090534 against the City of Oakland and others, 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 Bruno VanSchoote v. City of Oakland, County of Alameda, State of California, and Does 1-100, Alameda County Superior Court Case No. HG21090534, for the sum of Six Million Five Hundred Thousand Dollars and Zero Cents (\$6,500,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 05 2023

PASSED BY THE FOLLOWING VOTE:

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

NOES 0

ABSENT 4

ABSTENTION 4

ATTEST:



ASHA REED

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