

CITY OF OAKLAND



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July 20, 2021

HONORABLE CITY COUNCIL
Oakland, California

Subject: Ycela Pelta and Zaahir Carter Brown, by and through his Guardian ad Litem, Ycela Pelta v. City of Oakland, Pacific Bell Telephone Company, and DOES 1 through 100

Alameda County Superior Court, Case No. RG20054037
City Attorney File No. 33293
(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 claim for the sum of Two Hundred Seven Thousand Five Hundred Dollars and Zero Cents (\$207,500.00), payable to Plaintiff Ycela Pelta and Plaintiff Zaahir Carter Brown, by and through his Guardian ad Litem, Ycela Pelta, through their attorneys, the law firm of Fiore Achermann, A Law Corp.

This action against the City of Oakland arises out of an alleged fall by Plaintiff Pelta while walking on September 29, 2018 on Hawley Street, between 77th Avenue and 76th Avenue, in Oakland. Pelta alleges that Pelta lost balance when Pelta stepped on the uneven edges of a large pothole, which caused Pelta to fall onto a glass bottle and suffer extensive lacerations to the left hand resulting in severed arteries, tendons, and nerves and requiring two surgeries thus far and additional medical procedures in the future. Pelta's son Plaintiff Brown did not see the fall but witnessed the immediate aftermath and Pelta's injuries. The City has determined that settlement in the amount of \$207,500.00 to the Plaintiffs, 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, July 1, 2021 (moved by Councilmember Loren Taylor and seconded by Councilmember Treva Reid - 8 Ayes).

Respectfully submitted,

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

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Han Tran

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