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OAKLAND

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Approved as to Form and Legality

  
City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION NO. 88664 C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JOHN GILBERT V. CITY OF OAKLAND AND DOES 1 TO 10, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG19011392, CITY ATTORNEY'S FILE NO. 33109, IN THE AMOUNT OF ONE MILLION SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$1,750,000.00) AS A RESULT OF AN ALLEGED DANGEROUS CONDITION OF PUBLIC PROPERTY (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)**

**WHEREAS**, Plaintiff John Gilbert was riding a bicycle on Skyline Boulevard when the bicycle hit a pothole causing Plaintiff to fall off the bicycle, strike Plaintiff's head on the street, and lose consciousness for several minutes;

**WHEREAS**, Plaintiff suffered a traumatic brain injury, a skull fracture, a cervical spine fracture, a right scapula fracture, and bleeding in the middle ear. Plaintiff has permanent brain damage and permanent hearing loss in the right ear as a result of the accident; and

**WHEREAS**, Plaintiff filed the lawsuit listed above seeking damages for past and future medical expenses and pain and suffering; and

**WHEREAS**, the City of Oakland denies liability for the accident; and now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of John Gilbert v. City of Oakland and DOES 1 to 10, Alameda County Superior Court Case No. RG19011392, City Attorney's File No. 33109, for the sum of One Million Seven Hundred and Fifty Thousand Dollars and Zero Cents (\$1,750,000.00) to Plaintiff and Plaintiff's counsel; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Plaintiff and Plaintiff's counsel; 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,

JUN 01 2021

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, ~~AND~~ AND PRESIDENT FORTUNATO BAS - 7

NOES -

ABSENT -

ABSTENTION -

Excused - 1 Thro

ATTEST:



ASHA REED

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