

# CITY OF OAKLAND



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September 19, 2023

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Elizabeth Youhn v. City of Oakland, Athol LLC and DOES 1-20 Inclusive  
Alameda County Superior Court, Case No. RG21094482  
City Attorney File No. 34268  
(Oakland 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 lawsuit for the sum of One Hundred and Fifty Thousand Dollars and Zero Cents (\$150,000.00), payable to Plaintiff Elizabeth Youhn (“Youhn”), in a manner specified by Youhn’s counsel.


Youhn alleges that on March 5, 2020 they tripped on an uneven sidewalk in front of 201 Athol Avenue. Youhn alleges that there was a slightly more than 2-inch sidewalk uplift due to the roots of a nearby City tree. Youhn fell forward, landing on their elbow.

Youhn fractured their left elbow and had surgery two days later that included the placement of hardware (screws). In December 2022, Youhn underwent a second surgery to remove the hardware that was causing pain. The second surgery did not alleviate the pain and discomfort Youhn was experiencing as a result of the first surgery. Youhn is considering a third surgery. Youhn’s past medical expenses are approximately \$45,000.00. Youhn’s future medical expenses are estimated at \$29,000.00. Additionally, Youhn claims damages for pain and suffering.

The City determined that settlement in the amount of \$150,000.00 to Youhn, 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 20, 2023 (moved by Councilmember Noel Gallo and seconded by Council President Nikki Fortunato Bas - 5 Ayes and 3 Absent - Councilmembers Kevin Jenkins, Dan Kalb and Treva Reid).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
Lorena Matei