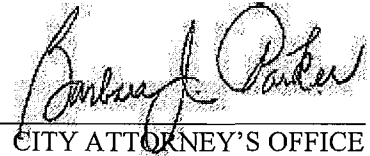


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FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89598 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF RENEE KESSLER MILLER V. CITY OF OAKLAND, AND DOES 1 TO 100, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 21CV002203, CITY ATTORNEY FILE NO. 34755, IN THE AMOUNT OF THIRTY THOUSAND DOLLARS AND ZERO CENTS (\$30,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff Renee Kessler Miller alleges that on June 14, 2021, Miller tripped and fell on a pothole while walking from a street parking space to the sidewalk in front of 6200 Antioch Street. The pothole was partially covered by the left front of Miller's parked car. Miller alleges the pothole was a dangerous condition of public property; and

WHEREAS, Miller allegedly was diagnosed with a right ankle sprain, fracture to the tip of the fibula, and an abnormal proliferation of fibrous tissue in the ankle ligament due to this incident; and

WHEREAS, Miller filed Alameda County Superior case number 21CV002203 against the City of Oakland, alleging a claim 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 Renee Kessler Miller v. City of Oakland, and DOES 1 to 100, Inclusive, Alameda County Superior Court, Case No. 21CV002203, City Attorney File No. 34755, for the sum of Thirty Thousand Dollars and Zero Cents (\$30,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

FEB 21 2023

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

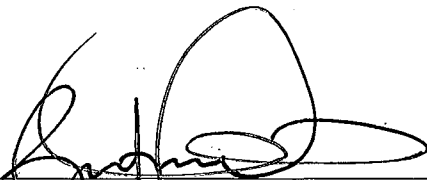
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NOES -

ABSENT -

ABSTENTION -

ATTEST:


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