



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF HARRIET NIXON V. CITY OF OAKLAND, AND DOES 1-25, ALAMEDA COUNTY SUPERIOR COURT CASE NO 23CV025741, CITY ATTORNEY FILE NO. 35517 IN THE AMOUNT OF SEVEN HUNDRED EIGHTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$787,500.00) (DEPARTMENT OF TRANSPORTATION -DANGEROUS CONDITION)

WHEREAS, Plaintiff Harriet Nixon (“Nixon”) alleges that on July 25, 2022, Nixon tripped and fell on a sidewalk uplift caused by a City tree while walking in front of/near 369 38th Street in Oakland; and

WHEREAS, Nixon sued the City of Oakland alleging a claim for dangerous condition of public property; and

WHEREAS, Nixon alleges Nixon suffered a broken arm and vision loss in Nixon’s left eye; and

WHEREAS, Nixon claims Nixon’s past medical expenses are approximately \$5,000 and the City estimates future care expenses are over \$600,000. Nixon also claims damages for pain and suffering; and

WHEREAS, Nixon filed Alameda County Superior Court Case No. 23CV025741 against the City of Oakland and DOES 1-25, seeking general and economic damages for injuries that Nixon sustained; and

WHEREAS, the City has considered all the evidence, litigation costs and litigation risks in this case; and

WHEREAS, without admitting wrongdoing or liability, the City has determined to settle Nixon’s claim against the City for the sum of Seven Hundred Eighty-Seven Thousand Five Hundred Dollars and No Cents (\$787,500.00); now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle the case of *Harriet Nixon v. City of Oakland, and DOES 1-25*, Alameda County Superior Court Case No. 23CV025741, for the sum of Seven Hundred Eighty-Seven Thousand Five Hundred Dollars and No Cents (\$787,500); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California