

APPROVED AS TO FORM AND LEGALITY



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 BRUNO VANSCHOOTE V. CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND DOES 1-100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. HG21090534, CITY ATTORNEY FILE NO. 34313, IN THE AMOUNT OF SIX MILLION FIVE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$6,500,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff Bruno VanSchoote (“VanSchoote”) alleges that on April 18, 2020, they fell off a bicycle while riding down MacArthur Boulevard just past Lake Park Avenue. VanSchoote suffered a spinal cord injury, fractured several cervical vertebrae and facial bones, and suffered a mild traumatic brain injury; and

WHEREAS, VanSchoote attributes the fall to a road defect in the street and alleges that this defect was a dangerous condition of public property and that the City had notice of it; and

WHEREAS, VanSchoote seeks damages for past and future medical expenses and pain and suffering; and

WHEREAS, VanSchoote filed Superior Court of the State of California, County of Alameda, Case No. HG21090534 against the City of Oakland and others, alleging a claim against the City 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 Bruno VanSchoote v. City of Oakland, County of Alameda, State of California, and Does 1-100, Alameda County Superior Court Case No. HG21090534, for the sum of Six Million Five Hundred Thousand Dollars and Zero Cents (\$6,500,000.00); 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,

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