


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 ANNA GOLDMACHER V. CITY OF OAKLAND AND DOES 1-50, ALAMEDA COUNTY SUPERIOR COURT CASE NO 23CV039959, CITY ATTORNEY FILE NO. 35927, IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$300,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION)

WHEREAS, Plaintiff Anna Goldmacher alleges that on October 8, 2022, Goldmacher tripped and fell on a sidewalk uplift on Lakeshore Avenue approaching the intersection with Prince Street. Goldmacher alleges the sidewalk uplift was caused by the roots of an official City tree. Goldmacher alleges that the uplift was a dangerous condition of public property; and

WHEREAS, Goldmacher claims personal injuries related to the fall including a broken wrist that required two surgeries, a torn shoulder tendon, seven broken ribs and carpal tunnel syndrome; and

WHEREAS, Goldmacher filed a lawsuit against the City of Oakland and DOES 1-50, Alameda County Superior Court Case No. 23CV039959, alleging the uplift was a dangerous condition of public property, and seeking general and economic damages; 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 Goldmacher's claim against the City for the sum of Three Hundred Thousand Dollars and No Cents (\$300,000.00); now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle the case of *Anna Goldmacher v. City of Oakland and DOES 1-50*, Alameda County Superior Court Case No. 23CV039959, for the sum of Three Hundred Thousand Dollars and No Cents (\$300,000.00); 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 - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

ABSTENTION –

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