



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 ADRIEN J. BENNETT AND ADRIANA BENNETT V. CITY OF OAKLAND AND DOES 1-20, ALAMEDA COUNTY SUPERIOR COURT CASE NO 22CV016975, CITY ATTORNEY FILE NO. 35357, IN THE AMOUNT OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS AND NO CENTS (\$150,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION)

WHEREAS, Plaintiffs Adrien J. Bennett and Adriana Bennet allege that on January 17, 2022 their father, decedent Joseph Bennett, was driving on Frontage Road near 10th Street when Bennett's vehicle traveled out of the lane and collided into an intermodal chassis that had been abandoned in the marked open center median. Plaintiffs allege that the yellow median lines were not visible; and

WHEREAS, Adrien J. Bennett and Adriana Bennett sued the City of Oakland alleging a claim for dangerous condition of public property; and

WHEREAS, Adrien J. Bennett and Adriana Bennett claim wrongful death damages related to their father Joseph Bennet's death, including economic damages for funeral expenses and general damages for the loss of love, care and guidance of their father; and

WHEREAS, Adrien J. Bennett and Adriana Bennett filed Alameda County Superior Court Case No. 22CV016975 against the City of Oakland and DOES 1-20, seeking general and economic damages for the wrongful death of their father; 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 Bennetts' claim against the City for the sum of One Hundred and Fifty Thousand Dollars and No Cents (\$150,000.00); now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle the case of *Adrien J. Bennett and Adriana Bennett v. City of Oakland and DOES 1-20*, Alameda County Superior Court Case No. 22CV016975, for the sum of One Hundred and Fifty Thousand Dollars and No Cents (\$150,000.00); 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

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