

APPROVED AS TO FORM AND LEGALITY

RECD DEC 14 2022
100-1254
CITY ATTORNEY'S OFFICE


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OAKLAND CITY COUNCIL

RESOLUTION NO. 909634 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF ERNESTO SARMIENTO V. ALAMEDA-CONTRA COSTA TRANSIT DISTRICT, CITY OF OAKLAND, COUNTY OF ALAMEDA, AND DOES 1 THROUGH 20, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 23CV045022, CITY ATTORNEY FILE NO. X05523, BY PAYMENT IN THE AMOUNT OF FIVE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$550,000.00) (OAKLAND DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)

WHEREAS, Plaintiff Ernesto Sarmiento alleges that on October 30, 2022, Plaintiff was riding a bicycle in the bicycle lane on Mandela Parkway approaching West Grand Ave. when a wheel of the bicycle became caught in a two-inch seam in the pavement causing Plaintiff to fall; and

WHEREAS, Plaintiff, who was 53 years old at the time of the incident, seeks damages for an alleged traumatic brain injury, a fractured right wrist, facial laceration, medical expenses, lost wages, property damage, and pain and suffering; and

WHEREAS, Plaintiff sued the City of Oakland in *Ernesto Sarmiento v. City of Oakland, et al.*, Alameda County Superior Court Case No. 23CV045022, City Attorney File No. X05523, asserting a dangerous condition of public property claim against the City of Oakland; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in the case and determined to pay \$550,000.00 to settle Plaintiff's claims, without admitting any wrongdoing or liability; now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle *Ernesto Sarmiento v. City of Oakland, et al.*, Alameda County Superior Court case no. 23CV045022, City Attorney File No. X05523, for the sum of \$550,000.00, payable to Plaintiff Ernesto Sarmiento; 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,

DEC 02 2025

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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