

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DENISE TIFFER V. CITY OF OAKLAND, MARK S. BORSUK TRUST NO. 1, SUZANNE J. BORSUK KRUEGER TRUST NO. 1, SHEILA SIEGEL TRUST, ZACHARY D. SCHWARTZ, O'CONNOR FAMILY TRUST, ZACHARY D. SCHWARTZ, O'CONNOR FAMILY TRUST, MOLLY D. SIEGEL, KIMBERLEY M. SIEGEL, AND DOES 1 TO 25, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG19017127, CITY ATTORNEY'S FILE NO. 32913, IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$100,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION)**

**WHEREAS**, Plaintiff alleges that on July 7, 2018, she tripped and fell on a City sidewalk near the intersection of Piedmont and Linda Avenues in Oakland, due to an alleged dangerous condition on public property; and

**WHEREAS**, Plaintiff suffered a dislocated and broken shoulder due to her fall, which required surgery and further medical treatment, and allegedly caused her to suffer a wage loss; and

**WHEREAS**, Superior Court of the State of California, County of Alameda, Case No. RG19017127, was filed against the City of Oakland and others, alleging against the City a claim for dangerous condition on 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 Denise Tiffer v. City of Oakland, Mark S. Borsuk Trust No. 1, Suzanne J. Borsuk Krueger Trust No. 1, Sheila Siegel Trust, Zachary D. Schwartz, O'Connor Family Trust, Zachary

D. Schwartz, O'Connor Family Trust, Molly D. Siegel, Kimberley M. Siegel, and DOES 1 to 25, Alameda County Superior Court Case No. RG19017127, City Attorney's File No. 32913, for the sum of One Hundred Thousand Dollars and Zero Cents (\$100,000.00); 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, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT  
FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

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