

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

July 16, 2024

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Tyler Phal by and through his Guardian Ad Litem, Ro euth Phal v. City of Oakland, Liu Weilin, and DOES 1-100
Alameda County Superior Court Case No. RG21115007
City Attorney File No. 34586
(Department of Transportation – Dangerous Condition)**

Dear President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the compromise and settlement of the above-entitled lawsuit for the sum of Two Million, Nine Hundred Fifty Thousand Dollars and Zero Cents (\$2,950,000.00), to Plaintiff Tyler Phal (“Phal”) by and through their Guardian Ad Litem, Ro euth Phal (“Phal”).

Phal alleges that at approximately 6:30 p.m. on January 19, 2021, Phal was walking northbound in a crosswalk across eastbound Bancroft Avenue at the intersection with 100th Avenue. Defendant Liu Weilin (“Weilin”) was driving a vehicle eastbound on Bancroft Avenue when Weilin’s vehicle struck Phal as Phal was walking in the crosswalk. Phal alleges that sightlines for Phal and Liu were inadequate at the intersection.

Phal alleges that doctors diagnosed Phal with severe brain injuries, multiple skull fractures, and multiple closed fractures of the pelvis and hip. Phal underwent craniectomy surgeries and hip surgery. Phal alleges that Phal was diagnosed with major neurocognitive disorder and moderate intellectual disability resulting in lifelong cognitive deficits requiring lifelong care. The City has determined that it is in the City’s best interest to settle Phal’s lawsuit for the payment of \$2,950,000.00 to Plaintiff, without admitting liability and to avoid further litigation.

The Council authorized settlement of this case in Closed Session on Thursday, June 6, 2024 (moved by Councilmember Treva Reid and seconded by Councilmember Noel Gallo – 8 Ayes).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker". The signature is written in a cursive, flowing style.

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Han Tran

3359881v2