



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 SAMI JABAJI, AN INDIVIDUAL V. THE CITY OF OAKLAND; A PUBLIC ENTITY; THE COUNTY OF ALAMEDA, A PUBLIC ENTITY; CALIFORNIA DEPARTMENT OF TRANSPORTATION DOING BUSINESS AS ("DBA") CALTRANS; A PUBLIC ENTITY; STATE OF CALIFORNIA, A PUBLIC ENTITY AND DOES 1 THROUGH 20, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG19046209, CITY ATTORNEY'S FILE NO. 33548, IN THE AMOUNT OF SEVEN HUNDRED FORTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$745,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)**

**WHEREAS**, Plaintiff alleges that on June 20, 2019, they suffered injuries from a bicycle accident wherein their bicycle tire became lodged in a sinkhole on Harrison Street near the intersection of Harrison Street and Moss Avenue in Oakland, due to an alleged dangerous condition of public property; and

**WHEREAS**, Plaintiff claims they suffered a traumatic brain injury and various orthopedic injuries including a broken clavicle, which required surgery and further medical treatment. Plaintiff also claims a herniated spinal disc resulted in chronic pain and will require a future discectomy surgery; and

**WHEREAS**, Plaintiff filed Superior Court of the State of California, County of Alameda, Case No. RG19046209 against the City of Oakland, and other parties later dismissed, alleging a claim against the City for dangerous condition of 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 Sami Jabaji, an individual v. The City of Oakland; a public entity; The County of Alameda, a public entity; California Department of Transportation dba Caltrans; a public entity; State of California, a public entity and DOES 1 - 20, inclusive, Alameda County Superior Court Case No. RG19046209, City Attorney's File No. 33548, for the sum of Seven Hundred Forty-Five Thousand Dollars and Zero Cents (\$745,000.00); 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