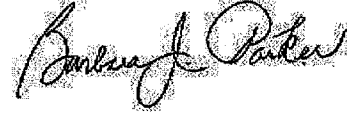


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FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89446 C.M.S.

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,

OCT 18 2022

PASSED BY THE FOLLOWING VOTE:


AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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