


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF RENEE KESSLER MILLER V. CITY OF OAKLAND, AND DOES 1 TO 100, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 21CV002203, CITY ATTORNEY FILE NO. 34755, IN THE AMOUNT OF THIRTY THOUSAND DOLLARS AND ZERO CENTS (\$30,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff Renee Kessler Miller alleges that on June 14, 2021, Miller tripped and fell on a pothole while walking from a street parking space to the sidewalk in front of 6200 Antioch Street. The pothole was partially covered by the left front of Miller's parked car. Miller alleges the pothole was a dangerous condition of public property; and

WHEREAS, Miller allegedly was diagnosed with a right ankle sprain, fracture to the tip of the fibula, and an abnormal proliferation of fibrous tissue in the ankle ligament due to this incident; and

WHEREAS, Miller filed Alameda County Superior case number 21CV002203 against the City of Oakland, alleging a claim 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 Renee Kessler Miller v. City of Oakland, and DOES 1 to 100, Inclusive, Alameda County Superior Court, Case No. 21CV002203, City Attorney File No. 34755, for the sum of Thirty Thousand Dollars and Zero Cents (\$30,000.00); 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,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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