

CITY OF OAKLAND



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June 20, 2023

HONORABLE CITY COUNCIL
Oakland, California

Subject: Jose Sierra v. City of Oakland and DOES 1 to 50
Case No. RG20061307

City Attorney File No. 33745, (Department of Transportation – Dangerous
Condition of Public Property)

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 compromise and settlement of the above-entitled lawsuit for the sum of Four Hundred Thousand Dollars and No Cents (\$400,000.00), payable to Plaintiff Jose Sierra in a manner specified by Plaintiff's counsel.

This action arises out of a motor vehicle accident that occurred on April 12, 2019. Plaintiff suffered personal injuries when the motorcycle Plaintiff was riding on 54th Avenue hit a pothole, fell over, and fractured Plaintiff's left foot. Plaintiff alleges the pothole was a dangerous condition of public property and caused the accident.

Plaintiff sustained broken bones in the left foot requiring surgical repair. Plaintiff claims damages for the injury to the left foot, future medical expenses and wage loss, and general damages for pain and suffering.

The City has determined that settlement in the amount of \$400,000, without admitting liability and to avoid further litigation, is in the best interest of the City.

The Council authorized settlement of this case in Closed Session on Thursday, June 1, 2023 (moved by Councilmember Noel Gallo and seconded by Councilmember Treva Reid - 8 Ayes).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Montana B. Baker