

2023 JUN -8 PM 2:22
 FILED
 OFFICE OF THE CITY CLERK
 OAKLAND

Barbara J. Parker
 CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89783 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE LAWSUIT ENTITLED JOSE SIERRA V. CITY OF OAKLAND AND DOES 1 TO 50, ALAMEDA COUNTY SUPERIOR COURT CASE NO RG20061307, CITY ATTORNEY FILE NO. 33745, IN THE AMOUNT OF FOUR HUNDRED THOUSAND DOLLARS AND NO CENTS (\$400,000.00) (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, Plaintiff suffered personal injuries when the motorcycle Plaintiff was riding on 54th Avenue hit a pothole, fell over, and fractured Plaintiff's left foot; and

WHEREAS, 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; and

WHEREAS, Plaintiff filed a lawsuit entitled *Jose Sierra v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG20061307 alleging negligence and dangerous condition of public property; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise the claim of Jose Sierra for the sum of Four Hundred Thousand Dollars and no Cents (\$400,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Jose Sierra v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG20061307, for the sum of Four Hundred Thousand Dollars and no Cents (\$400,000.00); and be it

FURTHER RESOLVED: That the City Attorney is authorized and directed to take steps that may be necessary to effectuate said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUN 20 2023

PASSED BY THE FOLLOWING VOTE:

AYES - ~~WILLIAMS~~ GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
 PRESIDENT FORTUNATO BAS - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 5

ATTEST:

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